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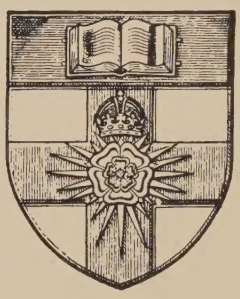

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PROCEEDINGS

OF THE

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Massachusetts Historical Society

Founded 1791

PROCEEDINGS

OCTOBER, 1912—JUNE, 1913

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PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

OCTOBER MEETING, 1912.

THE stated meeting was held on Thursday, the 10th instant, at three o'clock, P. M.; the PRESIDENT, Mr. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the June meeting.

The Cabinet-Keeper reported the gift, by bequest of Mary Ripley Goodwin, of an engraving of Washington by Ormsby from a painting by Stuart, and an engraving of the Declaration of Independence by Huntington; and by the Misses Sarah and Joanna Williams, of Yonkers, New York, of the field-glass and watch of their great-great-grandfather, Major-General John Thomas.

The Corresponding Secretary reported the receipt of a letter from Malcolm Storer accepting his election as a Resident Member of the Society.

The Editor reported the gifts, by Mr. C. P. BOWDITCH, of papers on Young Men's Republican Parties, 1872–1880; by Dr. Loring W. Puffer, of a letter of Levi Woodbury, 1830; and by the Misses Sarah and Joanna Williams, of a regimental book belonging to Major-General Thomas, containing a list of officers and soldiers in the Canada expedition of 1759.

The Editor also mentioned the fact that it has been proposed to memorialize the General Court to begin the publication of the Massachusetts State Archives. In accordance with a vote of the Council recommending such action, it was voted that the

subject be referred back to the Council, with power to authorize the President to sign the memorial in behalf of the Society.

The Editor communicated a memoir of John Fiske, prepared by Mr. Thayer.

The President then read as follows:

Course of Historical Events.

The activities of another year having begun, once more it devolves upon me to greet the Society at the close of a vacation period. On the last similar occasion I ventured a novelty.[1] Besides referring to incidents of interest which had occurred since the June meeting especially connected with the Society, I went afield, so to speak, calling attention to occurrences of possible future general historical interest, which had elsewhere likewise chanced. Of these there were four: (1) the parliamentary revolution worked in Great Britain through the wresting of its legislative veto power from the House of Lords; (2) the practical birth of a new nationality of the English-speaking race on this continent through the action of the Dominion of Canada on President Taft's proposed mutual reciprocity enactments; (3) the prevailing world-wide industrial unrest, entering on a new and portentous phase in the general Union-labor strikes occurring in Great Britain, which had for a time threatened both to paralyze and to starve, if not revolutionize; and (4) the Morocco incident, so called, in the case of Germany confronted by the British-French alliance, pausing on the threshold of hostilities; thus revealing the existence of an underlying financial force of a controlling influence never before appreciated, but then first exerted on Berlin at a highly critical international juncture.

It is, I submit, somewhat suggestive of the rapidity of pace with which the world now moves that all the events then referred to have receded into what may not improperly be denominated the historic past. Though events of yesterday, they to-day savor of ancient history. Reviewing, in the same way, the period elapsed since the Society last met, I this year feel somewhat at a loss to specify anything therein occurring which, to my mind, is likely hereafter to leave what may be called a

[1] *Proceedings*, xlv. 9–15.

mark upon the page. Since June last, the world, of course, has moved; but the movement has not, so far as I am capable of now estimating the relative importance of events, been accompanied by any incident peculiarly dramatic in character, or which, as we to-day see things, is likely to be writ large in history. In Europe the complications between Italy and Turkey have seemed slowly to be drawing to a conclusion; but what that conclusion may involve is as much a mystery now as when I last alluded to another phase of the same topic in a paper read by me to the Society fifteen years ago.[1] I then quoted the confident prediction of Cotton Mather made in 1712 as to "the approaching *Fall* of the *Ottoman Empire*." It was on the 29th of May, 1453, that Mahomet II took Constantinople by storm, and the curtain fell on the last scene of the final act of that particular world-drama known as Roman Empire. Next May will witness the passage of 460 full years since that very memorable occurrence. The British East India dominion, a corresponding counter-movement, dates from 1612; and now, whatever may immediately occur, one thing is apparent, — there is a mighty seething of unrest — social, religious and political, deep-seated and irrepressible — at work in Europe, Africa and Asia. Of it the Morocco episode of a year ago and the Tripoli episode of this year were but symptoms and incidents. The final upheaval, whether in Constantinople, in Cairo or in Bombay, is yet to take place. History on the largest scale, will it be given to the youngest here to witness that *dénouement* which Cotton Mather fondly anticipated it would be given unto him to rejoice over just two centuries ago?

Meanwhile, we in this country have been engaged in the regular quadrennial political canvass, — one in some respects unique; but which does not, so far as yet appears, seem likely to be in any way epochal.

In this room, as is well understood, what is known as "politics" is, as a topic, avoided, — I might even say tabooed; and by "politics" I of course mean immediately agitating issues of a partisan political character. Nevertheless, even as respects them, a record at the time made up in a proper spirit is by no means without historical value. Select any political crisis one

[1] 2 *Proceedings*, XII. 67–68. This was a favorite prophecy both of Increase and Cotton Mather. See Cotton Mather's *Diary*, index, under word *Turks*.

pleases, even, at hap-hazard, one of the presidential canvasses of the last century, it is always interesting, and not infrequently most instructive, to learn how it and the actors in it at the moment impressed a contemporary.

For instance, I have recently had occasion to review some historical notes and material in my possession, relating to events which occurred exactly fifty years ago, and to characters, now become historical, who conspicuously figured therein.

It was at that depressing period of our Civil War when the famous Proclamation of Emancipation was issued, — the period marked by the conflicts of Antietam and Gettysburg. The material consisted of extracts, which I had caused to be made from the London journals of the period, more especially from the *Times*, then, as the Thunderer, at the full height of its world-wide reputation. It was Francis Bacon who, dying, consigned his record and memory "to men's charitable speeches, to foreign nations, and to the next ages." He who in the succeeding century was referred to as "the wisest of mankind," thus classed "foreign nations" with "succeeding ages" as a tribunal qualified impartially to pass on the reputation of an actor in a period not yet remote. I propose for the edification of the Society on the present occasion to subject this canon, if it may so be called, of the great English philosopher to the test. It will, I apprehend, be a necessary conclusion that the verdict of posterity has not in the case cited confirmed the contemporaneous judgment of "foreign nations," while in that judgment charity of speech was conspicuously lacking. Here, for instance, is a contemporaneous estimate recorded in the columns of the London *Herald* of two American public men whose fame is not likely soon to pass into utter oblivion. The date was December 17, 1862, almost exactly fifty years ago:

> Mr. Seward, we believe, is a man of some degree of ability. He would not pass muster among third-rate statesmen in England; he is not the equal of Sir G. Grey, much less of those to whom he is more usually compared — Mr. Cobden, Mr. W. E. Forster, or Mr. Bright. Still, he is not altogether without talent, and is not incapable of common sense. But none of his colleagues possess the smallest gleam of intelligence or political capacity; and, among them all, Mr. Salmon P. Chase, Secretary of the Treasury, is, perhaps, the most utterly ignorant and foolish. His financial ability is below

that of the dullest Whig underling that ever helped a blundering Chancellor to empty the Exchequer.

A few weeks after this estimate of Seward and Chase was put forth, Parliament assembled, and among its first debates was one upon what was known as "the American war." Of this debate the *Times* gave next morning an editorial résumé. Referring to the opinions therein expressed of the course of events in America between the firing on Sumter in April and the *Trent* affair in the following November, it said:

These, then, after a recess of six eventful months, are the conclusions to which statesmen of all parties have been brought. There is not one of them who believes that the restoration of the American Union, on the terms of its original Constitution, is a possible event. There is not one who believes that the forcible subjugation of the South is a possible alternative, though there is one who declares his opinion that such a conquest, if it were practicable, would only prove the political ruin of all America together. We arrive, then, at the one conclusion remaining, that a separation on peaceable terms and at the earliest moment is the result which the friends of America ought to desire.

I will now pass over a year, and upon May 22, 1863, I find this sentence in an editorial in the London *Morning Post*, currently reputed at that time to be the personal organ of Lord Palmerston, the Premier:

In the annals of human folly there is to be found no such example of unmitigated imbecility as that furnished by the conduct of those who for the past two years have affected to direct the destinies of the American nation. We believe we have now seen the last "Grand Army of the North."

Finally, let me read this from the issue of the *Times* for September 17, 1863, — two months, it will be noticed, after the battle of Gettysburg. It is from a highly characteristic "Thunderer" editorial, entitled "President Lincoln Described." The now historic character referred to was described as follows:

Among the many marvels and paradoxes of the American Revolution there is none greater than the part played by President Lincoln himself. That such a man should have been called upon to guide the destinies of a mighty nation during a grand historical crisis is surely

strange enough, but that he should have blundered and vacillated as he has, without for a moment losing confidence in himself, or altogether forfeiting that of his countrymen, is stranger still. . . . How any man in his sober senses could have sat down to compose such a rhapsody as this, or having composed it, could have read it over with gravity and ordered it to be printed, passes our comprehension.[1] It is something between a prophecy and an oracular response, with a dash of Yankee slang and terms of expression which remind us alternately of Ossian, of the incoherent utterances of the Maori Chiefs, and of school-boy translations of corrupt choruses in Greek tragedies. Cromwell never spoke and Mr. Carlyle never wrote anything so hopelessly obscure, and the persons, if there be any such, to whom such a jargon can appear impressive or even intelligible must have faculties and tastes of which we can form no idea. One is really tempted to think that Mr. Lincoln cannot have been himself when he penned so grotesque a production.

Now I confidently submit that these extracts from the leading organs of English opinion fifty years ago have a distinct historical value. Read through a half-century vista, they not only inculcate a lesson of modesty, but they also illustrate to a singular degree the extreme danger which accompanies all political and other vaticination in these uninspired times. Furthermore, they throw a gleam of lurid light on the now almost inconceivable condition of public thought then prevailing in English upper-class circles, a condition in which extreme dislike and insolent contempt gave expression to dense ignorance. They none the less afford an instructive bit of pen-and-ink contemporaneous portraiture.

In much the same way, I submit that a photographic record of

[1] The "rhapsody" here referred to was Lincoln's letter to the people of Illinois, of August 26, 1863. Quoting it almost in full in their *Life of Lincoln* (III. 380–389) Nicolay and Hay pass upon it the following judgment, from which the investigator of a century hence will probably see no occasion to dissent: "Among all the state papers of Mr. Lincoln from his nomination to his death this letter is unique. It may be called his last stump-speech, the only one made during his Presidency. We find in it all the qualities that made him in Illinois the incomparable political leader of his party for a generation. There is the same close, unerring logic, the same innate perception of political conduct, the same wit and sarcasm, the same touch of picturesque eloquence, which abounded in his earlier and more careless oratory, but all wonderfully heightened, strengthened, and chastened by a sense of immense responsibility. . . . The style of this letter is as remarkable as its matter; each sentence, like a trained athlete, is divested of every superfluous word and syllable, yet nowhere is there a word lacking, any more than a word too much."

a presidential canvass, even such as is now going on, provided always it is made in a purely observant and non-partisan spirit, is by no means devoid of historical value as well as interest, enabling, as it does, a later generation to compare actual results with those at the time contemplated as possible. All depends on the spirit and the way in which the thing is done. Cynical, it may be; but it must not be partisan.

Of course, it is not thinkable that in dealing with the political canvass now in progress reference should in this room be made to President Taft or Governor Wilson or ex-President Roosevelt, in the style and temper indulged in by the London journals as respects Lincoln, Seward and Chase half a century ago. Such utterances would here be utterly out of place, and are not for a moment suggested as possible.

Viewed, however, in another way, and in a purely observant and philosophic spirit, I think it will be agreed that the canvass now in progress, although perhaps not momentous, is in some respects peculiar. For instance, though personally I have a vivid recollection of some sixteen presidential elections occurring within the life so far allotted me, I hardly remember one conducted with so little passion or such an absence of exaggeration in speech as the present canvass, except perhaps in the case of one prominent participant. My earlier distinct recollection goes back to the election of 1848. The four succeeding quadrennials, with the exception of that of 1852, were conducted in the heated atmosphere of the slavery discussion preceding the War of Secession. Lurid, they stand by themselves; and it is a pleasure to feel now that they do stand by themselves! Neither in magnitude of the issues involved nor intensity of feeling are conditions now prevailing in any way comparable with the conditions which then existed; for, paradoxical as the opinion may sound, the distinguishing peculiarity of the present pronounced "Progressive" canvass is, so far as I am competent to judge, its markedly reactionary character. As to issues supposed to be at stake and involving principles, I should say that there are none; for, if what are known as the "platforms" of the different organizations are examined, there is among them a striking similarity. Termed "Progressive," they seem inspired by a spirit of unrest, both industrial and social; and party organizations vie with each other in their

efforts to conciliate that spirit. It is once more the case of Codlin and Short in Dickens' story! As an illustration of this reactionary tendency, take the matter of political campaign expenditure. As is perfectly well known, the elections of some preceding years, especially those of 1900 and 1904, were marked by a peculiar and somewhat reckless use of money, largely contributed by private interests supposed to be more or less interested financially in results; while those in corporate charge seemed to feel at liberty to contribute in greater or less degree to the bringing about of political action by a free use of corporate funds.

The inevitable followed; and it needed little knowledge of human nature and political movement, especially of American human nature and American political movement, to realize that such a condition of affairs must be followed by a reaction, and that the reaction would correspond in extent somewhat to the magnitude of the abuse, — and it was very great! It has so resulted; and, as compared with the immediately preceding presidential elections, the distinguishing feature of that now in progress is the absence of a wasteful expenditure of contributed funds, resulting in a significant diminution of that fictitious enthusiasm always thereby worked up. There is, in fact, so far as the outward observer can see, a singular absence of that tumult and shouting — the meetings by day and processions by night, the illuminations and the detonations — which were such marked characteristics of preceding quadrennials. In the present case, as the contest drags its slow length along, it seems as though the community realized in a vague but rather indifferent way the magnitude of certain constitutional issues involved. Nevertheless, if I might venture to characterize mental conditions, I should say that a noticeable spirit of irresponsibility prevailed — a sort of happy-go-lucky feeling, if I may so describe it — a conviction that whatever turn things may take the world will get along somehow, and that the future will not greatly differ from the present or the past.

And yet, to a certain extent, neither the tone of discussion nor the outlook can be said to be reassuring. The leading characteristic would seem to be, as I have already intimated, unrest, — a deep-seated unrest. The very foundations of our social

and industrial as well as of our political creed are questioned. Take, for instance, such a matter as the independent judiciary. Looked at in a large way and in a purely historic spirit, it is safe to assert that the Anglo-Saxon contest over the judicial system — that is, the fearless and impartial administration of the law — has now been in progress for, say, three centuries and a half, or since the reign of Elizabeth, certainly since the time of the first Stuart. The issue in one of its phases was a very living one, memorable in history, and continuous throughout the seventeenth century. Beginning with the days of Coke and lasting to those of Holt, it presented episodes which have left deep imprints on the page of our history, — the Royal Prerogative, Ship-money, the trial of the seven Bishops, and the career of Chief Justice Jeffreys. Not until after the troubled waters had subsided, was the independence of the judiciary at last fully established. This was by the Act of Settlement of 1689, providing thereafter a judicial tenure during good behavior in place of that which had theretofore immemorially obtained, a tenure terminable at the will of the Sovereign, — what might in the terminology of the day be denominated the Crown-Recall. The fixity of judicial tenure was thereafter assumed, and became, as it were, an accepted cardinal principle of constitutional government. As such, a hundred years later it was formally incorporated in the American fundamental law. Accepted as a political truth — a species of constitutional axiom — it there remained embedded for a century. Nevertheless, to-day even the fixity of the tenure, and the consequent independence, of the judiciary is questioned, and the power of removal, it is claimed, which was by a hundred years of effort wrested from the Crown, is about to be placed in the hands of the political majority. It is gravely insisted that while the King, as experience showed, could, contrary to the fundamental maxim, do wrong, and do it through the instrumentality of the courts, the People can be depended upon by no possibility so to err; and it is safe, therefore, to make of it the final court of legal appeal, placing in the hands of the popular majority for the time being that power which, as the outcome of a century's effort, was wrested from the King. Seriously advanced, this theory is apparently making popular headway. Already incorporated as a fundamental article of political right in the most

recently revised of our State Constitutions, it is proclaimed of universal application.

I cite this merely as an example of that spirit of unrest to which I have alluded as generally prevailing. Other examples at once suggest themselves. For instance, only within a few days, while discussing these and kindred matters, in a purely philosophical way, with our Associate Honorary Member, Mr. Bryce, he put to me the question whether there was a single proposition regarded as indisputably settled by the political economists of fifty years or a century ago — by men like Adam Smith, Malthus, Ricardo and John Stuart Mill—not now fallen into discredit, and, when not disregarded, openly questioned. The study of what not long ago was treated as a science was falling into noticeable disuse. For instance, the whole system inaugurated by Adam Smith was founded on individualism, competition and freedom from restraint. Yet in the political discussion now most commonly heard, each one of these fundamental principles is challenged. In place thereof governmental regulation is treated as a necessity; collectivism is advocated; and the functions formerly, under our system of government, left either free from regulation or subject to regulation in the least possible degree, are now looked upon as necessary governmental attributes. Labor, wages, tenure of employment, and freedom of contract, are matters of constant statute regulation.

It is the same as respects sovereignty. Heretofore, under our American constitutional system, one of the accepted functions of the law was to protect the rights of minorities, as they were called. Appeal was always to be made to the sober second thought. The tendency is now exactly the other way. The argument is that delay in reaching political conclusions is useless, if not unreasonable; and the tendency indisputably is to get back to what is best known, historically, as the system of Athenian democracy, — that is, the most speedy and direct recourse possible to the popular vote; and the result of that vote should be final upon all questions, whether political, financial, economic, or even judicial. This tendency is certainly revolutionary. Not that I would for a moment be thought to imply that, being revolutionary, it is necessarily bad or in the end harmful. The experience of the

last century, in what is known as the French Revolution, was on that point conclusive. It used to be said that the ways of Providence were past finding out. We to-day express it differently and far more euphemistically when we philosophically observe that the process of evolution is not at once apparent.

In thus calling attention to phases characteristic of the political canvass now in progress, no spirit of the partisan is evinced. The effort has been to look at them and it with an eye purely observing and philosophical. Immediate results may be unpleasant, and in many respects trying. It certainly was so in the process we ourselves passed through half a century ago. Nevertheless, the outcome may well be worth all it may cost. It is our function here merely to call attention to facts, in no way indulging in prophecy, least of all in jeremiads and lamentations. The philosopher of history maintains always Wordsworth's "cheerful confidence in things to come."

It only remains for me to make the usual reference to events more directly affecting our membership which have occurred during our vacation period. We see here to-day the Dean of the Society, and our Librarian through more than forty years, occupying as unexpectedly to himself as to us his accustomed seat. It is needless for me to say that the recovery of Dr. Green, though at his years necessarily partial, has been a matter of gratification as well as of surprise to his associates here as to himself. That the recovery should have been so considerable would have been thought impossible both to him and by us when we separated in June; much less would we then have anticipated seeing him here now.

During the interval one death only has chanced, — a death which we all concur in lamenting, though, in no way unexpected, it came in the ripeness of time. I think it is safe, however, to say that Professor Goodwin was held in general and high esteem by all the members of this Society who could claim personal knowledge of him; for Professor Goodwin belonged to a generation that is gone. He had survived nearly all his associates.

I shall presently call upon others for the tributes usual on

announcements such as that just made. Before so doing, however, I shall refer in a general way to our late associate's connection with this Society. Elected a Resident Member at the October meeting, 1886 — twenty-six years ago — the name of Professor Goodwin, at the time of his death, stood fifteenth on our Resident roll. A man of fifty-five when chosen, he was yet a constant attendant at our meetings, and took a pronounced and lively interest in the affairs of the Society. A fruitful contributor to our *Proceedings*, few who took part in our meetings spoke in a more authoritative way on the topics to which he confined himself. There was about Professor Goodwin something essentially lovable. Born in Concord, and more especially identified with Plymouth and the Old Colony, he looked at events and personages in a kindly way and from a somewhat humorous point of view. Neither aggressive nor a controversialist, he was, nevertheless, a man of decided convictions; and these he never failed to advance in a way peculiarly his own. Elected in 1886, his contributions began the following year, when he presented the records of the "Old Colony Club." At the next meeting, also, he exhibited the Diary of Josiah Cotton of Plymouth. At the annual election of April, 1888, he was made a member of the Council, and served upon it until April, 1891. Subsequently he was on the Committee to nominate officers, and drew up the report of the Council on his retirement from it. Chosen Corresponding Secretary in April, 1894, he filled that office until April, 1896. In November, 1894, he filed a memoir of his honored colleague, Prof. Henry W. Torrey, and in February, 1896, he paid a tribute to our associate Martin Brimmer; as, the following year, he also did to Justin Winsor, and in November, 1899, John C. Ropes. Personally I especially recall the very interesting and learned contributions he made in 1903, following papers of my own on the battles of Marathon and Salamis. Finally, and most appropriately, one of his last contributions was his personal reminiscences of Longfellow. During Professor Goodwin's membership 238 meetings of the Society were held; of these, he was present at just 100.

Personally I have known and maintained most friendly and kindly relations with Professor Goodwin through more years than I can remember; for, though he was not a preceptor at

Harvard during my own college days, my acquaintance with him began at a period earlier than I can now recall. In fact, I hardly remember the time when acquaintance between us did not exist; and that acquaintance was marked by no single discordant feature. But, both personally and in connection with the College, others can speak of Professor Goodwin more effectively than I. Two such are here to-day, — one, our Dean, Dr. Green, who, sitting side by side with Professor Goodwin throughout his college life, has since been intimate with him; the other is President-Emeritus Eliot, associated with Professor Goodwin in the Faculty of the University through the lifetime of a generation and until the latter voluntarily withdrew.

I now, therefore, call upon Dr. Green to speak of his college classmate and his and our associate here.

Dr. GREEN spoke as follows:

I regret exceedingly that I am not able physically — and perhaps not mentally — to pay a worthy tribute to my life-long friend, Professor Goodwin. A long absence from these rooms of more than five months, mostly in a hospital as the result of an accident, has rendered me unable to express my thoughts fittingly of a classmate endeared by a friendship lasting through many years.

Professor Goodwin was chosen a member of the Historical Society on October 14, 1886, and at that time had a wide reputation as a classical student and was well known both in this country and in England. In every sense of the word he was a scholar; and all his tastes from college days were connected with critical learning. In college at the time of graduation he stood as the second scholar in rank. After his collegiate course he remained at Cambridge for two years as a Resident Graduate teaching private pupils. In the summer of 1853 he sailed for Europe in order to study classical philology in some of the universities of Germany. He studied first at the University of Göttingen, where he remained until the next spring, when he went to Bonn for the summer term. The following winter he passed at Berlin; it was there that I saw a good deal of him and other American students.

Among them was Alexander W. Thayer, a graduate of Harvard in the Class of 1843, who was then at work on his *magnum*

opus, the Life of Beethoven, which is now a monument to the author's accuracy and research. This work was published first in Germany and later in this country.

Another American student in Berlin at that time was William F. Allen (H. C., 1851), who afterward was chosen a Corresponding Member of this Society. Allen, like Goodwin, was an excellent classical scholar, and they were both warm friends as well as classmates. I remember, too, that while in Berlin, in collaboration they were engaged at one time in writing a criticism of Dr. Wm. Smith's *Dictionary of Greek and Roman Geography*, then recently published. This article was sent to Boston and appeared later in the *North American Review*, for July, 1855. It showed a very thorough knowledge of the investigations and discoveries up to that time upon the subject, and attracted considerable attention in the literary world. When Allen died in December, 1889, Professor Haynes paid a tribute to his memory which is printed in the *Proceedings*[1] of this Society; and in his remarks he refers particularly to this paper written by Allen and Goodwin, which he calls "a striking article," and displaying great research. He mentions certain corrections delicately made in this review of a fault to which English scholars were somewhat prone.

Professor Goodwin's earliest publication, which attracted considerable attention, was *An Elementary Greek Grammar*. "The book most commonly in use in this part of the country was more than twenty years old, and consequently bore no trace of many important investigations and discoveries made in this generation in Germany and in this country." This work of Professor Goodwin, in compass of a little more than two hundred pages, gave all that was necessary for the student in his first three or four years study of the Greek language. It brought the author a reputation among classical scholars, both here and in England, as a man of wide learning, and was readily adopted in many elementary schools in both countries.

Within a few months this Society has lost three prominent members, and they all were old friends of mine. First, Haynes, on February 16, then Hall, on February 22, and now, lastly, Goodwin, on June 16. An intimate acquaintance with them all from early manhood and lasting for more than sixty-five

[1] 2 *Proceedings*, v. 152.

years made their loss to me a personal one, far greater than mere membership in a body associated together for historical purposes. These men, all members of the Class of 1851, have been taken from the living, and now only three remain as survivors. Thus one-half of the class has disappeared in the short space of four months. In one of the divisions of the class during the second term of the Freshman year we four sat in Sophocles' room arranged alphabetically on the benches, almost touching one another shoulder to shoulder, and I sat next to Goodwin.

I remember, too, how in after life I used to chaff Goodwin occasionally, at some of our class gatherings and tell him how I used to prompt him in the Greek recitation room. He never seemed to appreciate the joke, for apparently he thought I was in earnest. All the fellows present could see the absurdity of it, as Goodwin had more knowledge of Greek in his little finger than I had in my whole cranium.

Goodwin always gave his uncle, Benjamin Marston Watson, credit for teaching him the beauties of Greek. In a tribute paid to his memory before this Society he said: "and for all my early knowledge of this language, and indeed for the first intimation that there was anything in it which it was worth while for a New England boy to know, I was indebted to my uncle, with whom I was brought up as a younger brother." [1]

President Eliot then read the following characterization:

William Watson Goodwin got his early love of the Greek language and literature from two maternal uncles in Plymouth, and later in Harvard College between 1847 and 1853 from Professor Cornelius Conway Felton and Tutor Evangelinus Apostolides Sophocles, who furthered with hearty appreciation his own inheritances and acquirements. At that time Greek was required of all undergraduates till the end of the sophomore year, and was an elective study in the junior and senior years. The Greek required for admission to the freshman class was Felton's *Greek Reader* and Sophocles's *Greek Grammar*, no other books being allowed in substitution for these two. Goodwin always maintained that the selection of Greek prose and poetry in Felton's *Reader* was a very judicious one, and that

[1] 2 *Proceedings*, x. 468.

he personally owed much to the wisdom of that selection. The choice of Greek authors, which the four-years course in college then covered, was fairly comprehensive and varied, — namely, the *Panegyricus* of Isocrates, Felton's *Selections from Greek Historians*, plays by Aristophanes, Sophocles and Aeschylus, and selections from Plato, Aeschines and Demosthenes. Kühner's and Buttmann's Greek Grammars were in use, in addition to that of Sophocles.

Having taken at Harvard the Bachelor's degree in 1851, Goodwin spent two years in Cambridge as a resident graduate, in pleasant company with his contemporaries and life-long friends Ephraim Whitman Gurney and Henry Williamson Haynes, all three being devoted to classical and historical studies. At this period he took a few private pupils, but his time was chiefly devoted to his own studies. With this equipment and a genuine enthusiasm for all things Greek, Goodwin went in 1853 to Germany, where he studied at Göttingen, Berlin, and Bonn, taking his Doctor's degree at Göttingen in 1855. While in Germany he mastered the German language, greatly extended his knowledge of the Greek language and literature, and began to devote himself to Greek grammar. He also gained the friendship of several German and English students of Greek of about his own age, and the hearty admiration and good-will of his teachers, and of other eminent German scholars to whom he had been introduced by Professor Charles Beck of Harvard.

In 1856 he was appointed Tutor in Greek and Latin in Harvard College, a title which he was glad to have changed, in the second term of 1857–58, to Tutor in Greek; for he did not care to teach Latin. When Goodwin became a Tutor in 1856, I had already been a Tutor in mathematics and a member of the Faculty for two years; but he was my senior by nearly three years, and had been thoroughly trained for his tutorship and for the profession of the scholar. I looked up to him accordingly. At that time he was the only tutor, or junior instructor, in Harvard College who had been thoroughly prepared for the career of a college teacher; and it may be doubted whether in the long list of tutors who subsequently held office in Harvard College as President or Professor, beginning with Urian Oakes, A. B. 1649, Tutor 1650–1653, and twenty-five years later President for six years, there is a single American

who at the time of his appointment as tutor had received so adequate a training at home and abroad in the subject he was to teach as Goodwin had received. He was an exact scholar himself, and had no respect for inaccurate, vague, parasitic discourse on or about great authors. He wished every man who called himself a scholar, whether young or old, to be accurate, clear and thorough; then he might be as ingenious, brilliant, romantic, and poetic as his nature permitted. His coming into the Faculty was a reinforcement for the evolutionary party in that body, then gathering force.

On Goodwin's advent there immediately appeared in the four-years course in Greek offered by Harvard College some new classical authors and modern Greek. Among the new texts was the *Politics* of Aristotle, a selection to which Goodwin frequently recurred during his career as a teacher. Soon selections from Plato made occasional appearance in the list of Greek courses, and from time to time Thucydides was given a large place. In the last years of Professor Goodwin's teaching Plato and Aristotle were his favorite subjects.

Goodwin's main desires, on his entrance into the College Faculty, were, first, to make the required courses in Greek during the first two years of the college course more acceptable and interesting; and secondly, to develop through the elective courses of the last two years a few really good Greek scholars, who had read many Greek authors, written Greek, and come to understand the influence of the Greek literature upon the other literatures of Europe. He also was from the beginning keenly interested in grammatical studies, and tried to impart this interest to his classes. His earliest published works were *The Syntax of the Greek Moods and Tenses* and his *Greek Grammar;* and both these books came rapidly into use, not only in the United States but in England. As a teacher, he was interested first in the language and style of the author in hand, and secondly in the author's reasoning or thinking process, provided that he felt sure he knew what the author meant to say. In the classroom he more frequently called the students' attention to the clearness or obscurity of the author's style, or to the author's phraseology, or idioms, or habitual constructions, than to the literary beauty or philosophical excellence of the narrative, drama or essay in hand. He was not himself ad-

dicted to philosophical or political reading in general; although his mind was permeated with Greek philosophy and politics. As a member of the Faculty his leading motive was the development in Harvard University of genuine scholarship, first in the Classics, of course, but also in every worthy subject.

His *Moods and Tenses* and his *Grammar* are distinguished by an extraordinary clearness of statement, even when the groups of facts he is studying are themselves somewhat obscure. This quality was the sound reason for the permanent success of his early writings as school and college text-books. It is noticeable that Goodwin's *Moods and Tenses* — the most remarkable of his works — was published in 1860, when he was only twenty-nine years old, and the first edition of his *Greek Grammar* in 1870, when he was thirty-nine. His was a strong case of the early determination of a life-career, under the guidance of a natural taste or bent, and of early distinction in the career so selected. He revised these two books with adequate frequency, and they carried his name all over the civilized world. A few years ago a committee consisting of Canadian professional and business men, charged to prepare a new constitution for the University of Toronto, visited Cambridge to inquire into the organization of Harvard University. After a long conversation with the committee in my office, I started with them from University Hall to point out some of Harvard's characteristic buildings and equipments. On our way across the College Yard from University Hall to Phillips Brooks House I saluted Professor Goodwin, who was walking rapidly on the same path toward University. The gentleman with whom I was walking said to me, "Who was that fine-looking old gentleman we just met?" I replied, "Professor William W. Goodwin." He started, and exclaimed, "Not Goodwin's *Moods and Tenses?*" "Yes," said I, "the same;" whereupon he announced loudly to his comrades behind him, "That old man with the fresh complexion and white hair is Goodwin's *Moods and Tenses and Greek Grammar*," — whereat they all turned round, and took off their hats toward Professor Goodwin's back.

In 1860, when Professor Felton became President of Harvard, Goodwin succeeded Felton as Eliot Professor of Greek Literature, being then twenty-nine years of age. This appointment came to him in the pleasantest possible manner, on the

cordial recommendation of President Felton, and with the warm approval of all his contemporaries in the College service. It satisfied his professional hopes and expectations, and made his life-career clear before him. Within four years he married, and moved into the house on Follen Street in which he died last June, at the age of eighty-one.

In 1866–67 opportunity came to Goodwin to contribute largely to the development of advanced instruction in Harvard College; and he seized upon it with eagerness. An inquiry into the existing programme of studies in Harvard College having been set on foot by the Corporation, the Faculty, at that time consisting of only twenty-one persons, was soon engaged in a thorough overhauling of the selection, arrangement, and distribution of the required, elective, and extra studies for undergraduates. Goodwin was an active member of the small liberal majority in the Faculty; and he used every influence at his command to give effect to the liberal programme. The result was a new announcement in the Catalogue of 1867–68 on the subject of elective and extra studies. The freshman class became the only class all of whose studies were required. The required studies of the sophomore class were reduced to seven hours a week; and elective studies covering six hours a week were permitted to every sophomore. The required studies of the junior class and those of the senior class were reduced to five hours a week in each of the two years; and a junior or a senior might take nine hours a week of elective work. Moreover, it was announced that special honors would be assigned at graduation for distinction in the elective departments. Here was the starting-point of the second development of the elective system in Harvard College (the first took place under President Quincy, 1829–1845) and of the system of honors at graduation, a system which had a strong effect on the mode of developing the elective system between 1867 and 1909, and showed the way to the modification of the elective system, in the direction of compulsory concentration, which has taken place within the last two years. Goodwin always looked back with great satisfaction to his successful advocacy of these changes in the policy of the College, and he had good reason so to do. Three other life-long servants of Harvard College shared his labors on this subject and his satisfaction with the results, — namely, Assist-

ant Professors Gurney and Peirce and Tutor Greenough. In urging the change, Goodwin was in the habit of stating that three old Professors, under the system in vogue in 1866, occupied three-quarters of the Senior year with their elementary required courses, and therefore blocked the way of students competent for advanced work in other subjects. These three Professors were Messrs. Andrew P. Peabody, Bowen, and Torrey, all old friends and admirers of Goodwin. The statement was only slightly exaggerated. Moreover, Goodwin's own temperament, as became a Greek scholar, was distinctly conservative. Yet his zeal for advanced scholarship in America overcame all inducements to maintain the programme of required studies, and made him a leader among the liberals.

In later years Goodwin gave two other striking illustrations of the way his liberalism could triumph over his conservatism. When the so-called "Annex" was making its feeble beginning in Cambridge, Goodwin accepted as a pupil a young woman who had remarkable capacity and enthusiasm for the study of Greek. Her noteworthy success under his tuition, and the zeal of his friends Mr. and Mrs. E. W. Gurney and Professor James B. Greenough in the new undertaking interested him in the whole problem of the higher education of women; and he became a firm supporter of "The Annex" — subsequently Radcliffe College — and year after year served as teacher to a small class of young women who wished to pursue advanced studies in Greek. Thus his love of good scholarship, and his wish to help all aspirants for the scholar's life, drew him into a new undertaking to which his inherited instincts would not have directed him.

As a member of the College Faculty, Goodwin never liked the class of irregular students called "unmatriculated" or "special." He preferred the regular student, following the beaten track through school and college toward the degree of Bachelor of Arts. A special student was, in his view, an undesirable member of the University on whom no pains should be wasted. In the year 1879–80 Goodwin was disagreeably surprised to find in his class in Plato and Aristotle a mature young Scotchman who was classified as an unmatriculated student. This student, however, proved to be the most successful and interesting student in the class; whereupon, toward

the close of the year, Goodwin introduced a motion into the Faculty (to the intense surprise of that body) to the effect that George A. Gordon, unmatriculated student, be admitted to the next Senior class without examination; and in advocating his motion he remarked that it was an outrage that such a scholar as Gordon should be classified as an unmatriculated student. The motion prevailed; and George A. Gordon, now pastor of the Old South Church and a Harvard Overseer, became a Harvard Bachelor of Arts in 1881. Thus Goodwin again showed himself capable of abandoning temporarily, for good cause, a policy or line of action in which he had long firmly believed.

Goodwin's strong conservatism and local attachment were manifested in his choice of a summer residence and his mode of life there. He was brought up in Plymouth; and his mother belonged to the Watson family, part of which lived on Clark's Island. There Goodwin built a house for the summer. Plymouth Harbor is full of flats at low tide; winds die down there towards sundown, as all along the New England coast; and the channel from Clark's Island to the Plymouth landing is crooked and shifting, so that a small sail-boat was an uncertain conveyance for freight and passengers to Goodwin's house, even if the steersman had the knowledge of the channel and its tides and the skill as a boatman which Goodwin possessed. Nevertheless, Goodwin persisted in using a sail-boat as his means of communication with Plymouth years after gasolene launches had come into use. Only in the last year of his residence at Clark's Island did he consent to acquire a motor-boat; but when he got it, he enjoyed with real open-mindedness its speed, small draught, and independence of wind.

Goodwin's attainments and his influence as a Greek scholar were recognized by many universities in the United States, England, and Germany, and by many philological societies. In 1882–83 he served as the first Director of the American School of Classical Studies at Athens, and greatly enjoyed the year in the capital of Greece. He particularly enjoyed friendly intercourse with the Prime Minister Tricoupis and other cultivated persons at the capital, both Greeks and foreigners, who were thoroughly acquainted with Greek literature and history, and hoped for a revival of Greek influence in the world.

Goodwin was twice happily married, and had a home life of rare sweetness and dignity. By his first wife he had two sons, one of whom died in infancy, and the other died young, but lived long enough to show, as a student in Harvard College, that he possessed many of his father's scholarly qualities. The father commemorated the son by founding in Harvard University the Charles Haven Goodwin Scholarship with an income of three hundred and fifty dollars a year, the beneficiary to be a student of the Classics in the Senior Class or the Graduate School, and to be nominated by the Department of Classics.

Goodwin was of Pilgrim ancestry and the son of a Unitarian minister; so he was naturally a liberal in religion. Like Emerson, he believed in church-going, and always supported by his attendance and sincere interest the religious services in the Chapel of Harvard College, both while they were required of all students, and afterward, when attendance was made voluntary. Some years after his retirement, which took place in 1901, Sunday morning services were resumed in Appleton Chapel, instead of the evening services which had been conducted there for many years. Thereupon Goodwin returned from the First Church of Cambridge to the College Chapel. He always remained true to the simple faith in which he had been brought up, and to the belief that religious training is an indispensable part of sound education.

Healthy, genial and serene in aspect, simple in all his habits, kindly but with keen appreciation of the comical side of serious personages and grave events, modest about his own achievements, sincere in his frequent confessions of ignorance, fond of the solid fact and distrustful of subtlety and speculation, restrained in exposition and criticism, a master of the Greek language and of the English, he was a model of the vigorous, high-minded, happy scholar. For more than forty years he was exemplar, adviser, and friend to American students of the Classics. They testify strongly to the wholesomeness and durability of his influence as a scholar and a man. He did enduring work for human culture, and for the honor and stability of the College he intensely loved; and he enjoyed to the full the satisfactions which are the reward of loving and loyal service.

Mr. C. F. ADAMS read by title a paper on

THE NEGOTIATION OF 1861 RELATING TO THE DECLARATION OF PARIS OF 1856.

The period between April 13, 1861, when Fort Sumter fell, and July 21, following, which witnessed the Bull Run catastrophe — a period of exactly one hundred days — constituted the first distinctive stage of our Civil War. Formative, during it the loyal portion of the Union was, so to speak, finding itself. In an excited and altogether abnormal condition morally, it was unreasoning, unreasonable and curiously illogical. As an interval of time, therefore, the period referred to stands by itself, to be treated separately from that which preceded or that which was to follow. Before April 13th and up to that day — strange as the assertion now sounds — the historic fact is that the country, taken as a whole, had no realizing sense of the impending. Though anxiety was great and continually increasing, it was still generally believed that, somehow or in some way, providential if not otherwise, an actual appeal to arms and a consequent internecine struggle would not take place. Too dreadful calmly to contemplate, it could not, and consequently would not, occur.[1] The firing on Fort Sumter dispelled this illusion, and an entire community at last realized the grim, hard facts of a situation truly appalling. Then, so far as the part of the country loyal to the Union was concerned, there ensued the hundred days referred to, — days of artificial excitement and self-delusion. Fired by patriotism and literally drunk with enthusiasm, the North indulged in a most exaggerated self-confidence, combined with an altogether undue depreciation of its opponent. The conflict was to be short, sharp and decisive. A military walk-over was confidently anticipated; the so-called Confederacy was to be obliterated by one wild rush. The cry of "On to Richmond," first raised by Horace Greeley in the New York *Tribune*, soon became general and irresistible. But the delusion was not confined to the unthinking or less well-informed.

[1] "Neither party appeared to be apprehensive of or to realize the gathering storm. There was a general belief, indulged in by most persons, that an adjustment would in some way be brought about, without any extensive resort to extreme measures. . . . Until blood was spilled there was hope of conciliation." Welles, *Diary*, I. 10, 12, 35, 172, 355–356.

Shared to an almost equal extent by those in official position, it was reflected in their attitude and stands recorded in their utterances. This was peculiarly apparent in the management of our foreign relations through the State Department, of which Mr. Seward was the head. The awakening — and it was a terribly rude one — came on the 21st of July, at Bull Run; and from that day the struggle entered on a wholly new phase. The community, at first panic-stricken, then soon sobered. The strength and fighting capacity of the Confederacy had been unmistakably demonstrated; and, the first artificial flush of enthusiasm dispelled, the country addressed itself in a wholly new spirit to the supreme effort to which it at last realized it was summoned. The magnitude and consequent uncertainty of the struggle were realized.

In the course of a somewhat elaborate historical study my attention has recently been drawn to an altogether forgotten diplomatic episode which occurred in that stage of initial crystallization, and to it I propose to devote this paper. As an incident in a most critical period, what I have to describe will, I think, prove not without interest; and, at the time, it was, as I now view it, of a possible importance appreciated neither then nor since.

I recently received a letter from our associate, Mr. Frederic Bancroft, author of the *Life of Seward*, in which, referring to an allusion of mine, he said: "Unless you have taken stand directly against your father and your brother Henry's essay in regard to Seward's and your father's attitude toward the attempted accession of the United States, in 1861, to the declaration of Paris of 1856, I very much wish to argue the point with you, orally, of course."

The allusion recalled the fact, which I had quite forgotten, that Mr. Henry Adams had prepared such a paper as Mr. Bancroft referred to,[1] and, moreover, that I had myself nearly twenty years ago made large use of it in writing chapter XII entitled "The Treaty of Paris," in the *Life of C. F. Adams*, in the *American Statesman Series*. Mr. Bancroft had subsequently gone over the same ground, but I could not recall the conclusions he had reached. In fact, the whole subject had passed completely out of my memory. I accordingly once more reverted

[1] *Historical Essays*, 237–289.

to it, carefully re-reading Mr. Henry Adams's paper, the chapter (XXXI) relating to the episode in Mr. Bancroft's *Seward*, and finally my own effort of a score of years since. The general historians had not apparently deemed the incident worthy even of passing notice. In this, as will presently be seen, I do not concur.

As usual, the more thoroughly I now studied the records, the more important, involved, and suggestive the episode became. Above all, I was amazed and mortified at the superficial character of my own previous treatment; for I now found myself compelled to most unwelcome conclusions, not only different from those I had previously set forth, but altogether at variance with those reached by Mr. Henry Adams in his carefully prepared study. Though peculiarly well-informed as to the facts, having himself been practically at the time concerned in what occurred, I now found reason to conclude he had written from the point of view of an active and interested participant; and since he published his paper fresh material had come to light. I so wrote at much length to Mr. Bancroft, with whose subsequently prepared narrative and conclusions I now find myself in more general, though not in complete, accord. That letter to Mr. Bancroft supplies the basis of what I here submit. In submitting it, however, I wish to premise that in it no regard has been paid to the literary aspect, nor can it even be considered a finished historical study. Rather in the nature of a compendium or syllabus, into it I have put a mass of somewhat heterogeneous matter with a view to making the same more accessible in future to myself, as well as other investigators of a highly interesting historical period. I regard the result, therefore, largely as raw material, in the accumulation and presenting of which I have to acknowledge much and efficient assistance received from our Editor.

For an intelligent comprehension of what is to follow in its far-reaching significance and somewhat dramatic interest, it is, however, necessary to go pretty far back, — so to speak, to begin at the beginning. Attention has already been called to the date of the bombardment and fall of Fort Sumter, — April 13, 1861. Events then followed rapidly. Sumter was surrendered on Saturday, and the papers of the following

Monday, the 15th, contained the proclamation of the President calling for troops, and summoning Congress to meet July 4th in extra session.[1] Two days later, the 17th, Jefferson Davis responded from Montgomery by declaring the intention of the Confederacy immediately to issue letters of marque, authorizing depredations by privateers on the ships and commerce of the loyal States.[2] On the 19th, the Friday of the week following the fall of Sumter, President Lincoln issued yet another proclamation announcing a blockade of the ports of all the seceding States. In this proclamation it was stated that the blockade was to be conducted "in pursuance of the laws of the United States and of the law of nations in such case provided"; and, finally, to meet the threatened retaliation through privateers and privateering, it was added "that if any person under the pretended authority of such [Confederate] States . . . shall molest a vessel of the United States, or the persons or cargo on board of her, such person will be held amenable to the laws of the United States for the prevention and punishment of piracy."[3] Two international issues were thus presented and brought to the front within the first week following the fall of Sumter. They were the issues of belligerency in case of a blockade of the first magnitude, proclaimed to be enforced "in pursuance of the law of nations," and the logically consequent issue naturally involved in what is known as privateering. Five days later, on April 24th, a circular addressed to the representatives of the United States in all the principal capitals, was issued from the State Department calling attention to the attitude now proposed to be assumed by the United States towards what was known as the Declaration of Paris.

This so-called Declaration was an outcome of the Crimean War. When, in the summer of 1853, that war broke out, nearly forty years had elapsed since the close of the Napoleonic period: a period during which, as is well known, a system of semi-barbarous rules of so-called international law had been ruthlessly enforced by all belligerents. In 1853 those rules were still recognized as obligatory and enforceable, though in abeyance. As an historical fact, it was undeniable that, on the high seas,

[1] *Messages and Papers of the Presidents*, VI. 13.
[2] *Messages and Papers of the Confederacy*, I. 60.
[3] *Messages and Papers of the Presidents*, VI. 14.

piracy was the natural condition of man; and, when the artificial state of peace ceased, into that condition as between those involved in the strife nations relapsed. To ameliorate this state of affairs, both possible and imminent, and to readjust in some degree the rules of international law to meet changed commercial conditions, Great Britain and France, on the outbreak of the war with Russia, agreed to respect neutral commerce, whether under their own flags or that of Russia; and, at the close of the war, the Congress of Paris adopted, in April, 1856, a Declaration embracing four heads:

1. Privateering is and remains abolished.

2. The neutral flag covers enemy's goods, with the exception of contraband of war.

3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

4. Blockades in order to be binding must be effective; that is to say, maintained by forces sufficient really to prevent access to the coast of the enemy.

Great Britain, France, Prussia, Russia, Austria and Turkey adopted this mutual agreement, and pledged themselves to make it known to States not represented in the Congress, and invite their accession to it, on two conditions: (1) That the Declaration should be accepted as a whole, or not at all; and (2) That the States acceding should enter into no subsequent arrangement on maritime law in time of war without stipulating for a strict observance of the four points. On these conditions every maritime power was to be invited to accede, and had the right to become a party to the agreement. Accordingly nearly all the nations of Europe and South America in course of time notified their accession, and became, equally with the original parties contracting, entitled to all the benefits and subject to the obligations of the compact.

Among the rest, the government of the United States was invited to accede, and, like the other powers, had the right so to do by simple notification. This was during the Pierce administration; and Mr. Marcy, then Secretary of State, in due time (July 28, 1856) informed the governments interested that the President could not abandon the right to have recourse to privateers, unless he could secure the exemption of all pri-

vate property, not contraband, from capture at sea;[1] with that amendment the United States would become a party to the Declaration.

In other words, in addition to the points agreed on at Paris the United States contended for the establishment of the same principle on the sea that obtained on land, to wit: the exemption from capture or unnecessary molestation of all private property, not contraband of war, including ships. The last great vestige of the earlier times of normal piracy was, by general consent, to be relegated to the past. With the exception of Great Britain, the more considerable European maritime powers made no objection to the Marcy amendment. For obvious reasons connected with her past history and naval preponderance, Great Britain was understood to oppose it.

President Buchanan's was essentially an "Ostend manifesto," or filibuster, administration. As such, it felt no call to the proposed modifications;[2] but when Lincoln succeeded Buchanan the aspect of the proposition had, from the United States point of view, undergone dramatic change. Threatened with Confederate letters of marque, the government also found itself engaged in, and responsible for, a blockade of the first

[1] [This policy goes back to 1823, when President Monroe recommended it in his message of 1823. "I trust you will not take, as I am told some legislative statesmen have done, the proposition mentioned in the message for abolishing *private war upon the sea* to be a mere offer to abolish *privateering*. You will understand it as it is meant, a project for the universal exemption of private property upon the ocean from depredation by war." *John Quincy Adams to Robert Walsh*, December 3, 1823. Ed.]

[2] [The following has an historical interest in this connection. September 5, 1861, Richard Cobden wrote to James Buchanan saying: "The subject of the blockade is becoming more and more serious. I am afraid we have ourselves to blame for not having placed the question of belligerent rights on a better footing." He then asked a question about the attitude of the United States towards the Declaration of Paris. Buchanan replied, December 14, 1861: "In reference to your question in regard to blockade, no administration within the last half-century, up to the end of my term, would have consented to a general declaration abolishing privateering. Our most effectual means of annoying a great naval power upon the ocean is by granting letters of marque and reprisal. We could not possibly, therefore, have consented to the Paris declaration which would have left the vessels (for example of Great Britain or France) free to capture our merchant vessels, whilst we should have deprived ourselves of the employment of the force which had proved so powerful in capturing their merchant vessels. Hence the proposition of Mr. Marcy to abolish war upon private property altogether on the ocean, as modern civilization had abolished it on the land." *Works of James Buchanan* (Moore), XI. 218, 234. Ed.]

magnitude. Under such circumstances, it was plainly impossible to forecast all contingencies, and it was very open to question what policy might in certain exigencies prove the more expedient; but, on the whole, it seemed to the administration wisest to endeavor to conciliate Europe.

The question immediately arises, What was intended by the word "privateering" as used in the Declaration? On that would seem, in the present case, to have depended the attitude of the Diplomat at the time and the conclusions of the Historian since; for on this point strange confusion runs through all the correspondence, memoirs and records. Nor is this confusion peculiar to our Civil War state papers and literature. It is, on the contrary, very noticeable in the writings connected with our anterior wars, both that of Independence and that of 1812–1815. In the earlier cases it clearly existed in the minds of those engaged in the discussion. In the case, however, of the Civil War, the confusion was apparently due in quite as great a degree to a desire to ignore and confound manifest and well-recognized distinctions as to any real lack of a correct understanding of terms.

Up to the middle of the last (nineteenth) century, there were various recognized forms of ocean depredation.[1] Enumerating these in order, they were carried on

1. By pirates, so called, through what was known as "piracy." A familiar term, this calls for no definition.

2. By what were known as "corsairs."

3. By privateers, sailing in time of war under letters of marque issued by a belligerent.

4. By regularly commissioned ships of war, belonging to a recognized belligerent, under whose flag they sailed.

There has more recently come into existence a class of vessels known as "commerce destroyers," constructed not for combat primarily, but for the purpose of inflicting injury on the commercial marine of a hostile power with which the belligerent owning the "commerce destroyer" is at war. The term, however, refers only to a type of naval construction. It in no way

[1] Throughout the preparation of this paper constant use has been made of Prof. J. Bassett Moore's invaluable *Digest of International Law* (1906), and especially of the collection of authorities and material under the two heads of *Privateers* and the *Declaration of Paris*, VII. 535–583, secs. 1215–1221. Only in exceptional cases, therefore, is special reference made to this compendium.

affects legal classification. The "commerce destroyer" is simply a public cruiser adapted to a specific purpose.

On these distinctions the whole issue depends. In the minds, however, of those who carried on the negotiation of 1861, the distinctions do not seem to have been clear; and the failure then to observe, or the endeavor to ignore and obscure them, complicated the whole diplomatic situation, and at more than one juncture gravely threatened our foreign relations.

The ownership of the vessel sailing under a letter of marque was, then, of the very essence of privateering. This, in 1861, established the distinguishing line; and so lay at the basis of Article I of the Declaration. The privateer thus held, so to speak, a betwixt-and-between position; a privately owned maritime adventure, its letter of marque, issued by a belligerent, gave it a legal status. But for that it would have been subject to treatment as a pirate. The distinction is, too, especially important to be borne in mind while discussing the problems which developed from the maritime operations conducted during the Civil War, inasmuch as the value of the privateer, and the inducement to "privateering," then depended on success in the capture of prizes; which prizes, when duly condemned, were to be the plunder, or property, of the individual owner of the privateer. They did not, nor do they belong to the Government that issued the letters of marque under which the privateer sails. An individual venture, those concerned in the privateer were to a degree irresponsible. The point was very elaborately discussed later in the War, by Secretary Welles, in a series of letters addressed to Secretary Seward, when it was proposed to issue letters of marque to Union adventurers supposed to be anxious to chase the Confederate cruisers.[1]

The preservation of the prize, with a view to its condemnation as such, is, therefore, the great and essential inducement to privateering. From mere commerce destruction the privateer gets no advantage. This it was, combined with the absence of any open port where condemnation proceedings were possible, which almost at once put an end to the whole scheme of Confederate privateering. The obvious fact that it must so do was pointed out and emphasized by the first Confederate Com-

[1] Welles, *Lincoln and Seward*, 145–173; *Diary*, I. 246–262.

missioners — Yancey, Rost and Mann — as early as August 14, 1861, in their elaborate communication to Earl Russell of that date. That Great Britain and France had closed their ports to prizes of Confederate privateers sailing under letters of marque, was in the following terms then made subject of grave remark and implied remonstrance:

The undersigned, however, received with some surprise and regret, the avowal of Her Britannic Majesty's Government that in order to the observance of a strict neutrality, the public and private armed vessels of neither of the contending parties would be permitted to enter Her Majesty's ports with prizes. The undersigned do not contest the right of the British Government to make such regulations, but have been disposed to think that it has been unusual for Her Majesty's Government to exercise such right, and that in this instance the practical operation of the rule has been to favor the Government at Washington, and to cripple the exercise of an undoubted public right of the Government of the Confederate States. This Government commenced its career entirely without a navy. Owing to the high sense of duty which distinguished the Southern Officers, who were lately in commission in the United States Navy, the ships which, otherwise, might have been brought into Southern ports, were honorably delivered up to the United States Government, and the Navy, built for the protection of the people of all the States, is now used by the Government at Washington to coerce the people and blockade the ports of one-third of the States of the late Union. The people of the Confederate States are an agricultural and not a manufacturing or commercial people. They own but few ships. Hence there has not been the least necessity for the Government at Washington to issue letters of marque. The people of the Confederate States have but few ships and not much commerce upon which such private armed vessels could operate. The commodities produced in the Confederate States are such as the world needs more than any other, and the nations of the Earth have heretofore sent their ships to our wharves, and there the merchants buy and receive our cotton and tobacco. But it is far otherwise with the people of the present United States. They are a manufacturing and commercial people. They do a large part of the carrying trade of the world. Their ships and commerce afford them the sinews of war, and keep their industry afloat. To cripple their industry and commerce; to destroy their ships or cause them to be dismantled and tied up to their rotting wharves, are legitimate objects and means of warfare. Having no navy, no commercial marine, out of which to improvise

public armed vessels to any considerable extent, the Confederate States were compelled to resort to the issuance of letters of marque, a mode of warfare as fully and as clearly recognized by the law and usage of nations, as any other arm of war; and most assuredly more humane and more civilized in its practice than that which appears to have distinguished the march of the troops of the Government of the United States upon the soil and among the villages of Virginia. These facts tend to show that the practical working of the rule that forbids the entry of the public and private armed vessels of either party into British ports with prizes, operates exclusively to prevent the exercise of this legitimate mode of warfare by the Confederate States, while it is to a great degree a practical protection to the commerce and ships of the United States.

So much for privateers and privateering. A pirate, on the other hand, is a common enemy of mankind. He sails under no flag, and is responsible to no Government. A robber on the high seas, he is simply an outlaw.[1]

The public announcement, immediately after the firing on Sumter, that the Confederacy proposed to issue letters of marque naturally caused great alarm to the Union authorities, and the ship-owners of the loyal States. Under the conditions prevailing in April, May and June, 1861, it well might. W. H. Russell in his Diary gives a lively and picturesque account of the state of feeling then existing at Montgomery and of the views, knowledge and intentions of the Confederate authorities as respects letters of marque. What he then wrote did not at the time appear in his letters published in the *Times;* and that for obvious reasons. A neutral and a newspaper correspondent, he was under a well-understood obligation to disclose nothing, not already public, which would give information or contribute aid to the other party to the conflict. So in the

[1] Almost every known term of opprobrium can be found in the Civil War literature, official and private, applied to vessels sailing under the flag of the Confederacy. They are thus not infrequently designated "corsairs." This again was a misuse of terms; for, while a "corsair" is, strictly speaking, a "pirate," the word in general acceptance signifies a description of piratical craft long since passed out of existence. The corsair is especially associated with the Barbary Powers, so called, and preyed upon foreign commerce not protected by those powers; but vessels known as corsairs were, as a rule, commissioned by the Barbary States, and sailed under their flags. They in a way constituted a navy. The corsair passed out of existence about 1816 with the decay in power of the Barbary States. The pirate was simply exterminated, like other outlaws, robbers and free-booters.

London *Times* of May 30th, what is now about to be quoted from the Diary, published eighteen months later, appeared only in the following compressed and extremely non-committal form: "On leaving the Secretary I proceeded to the room of the Attorney-General, Mr. Benjamin, a very intelligent and able man, whom I found busied in preparations connected with the issue of letters of marque. Everything in the office looked like earnest work and business."

Dates are here important as bearing on the conditions then prevailing, and the consequent state of mind and feeling of those upon whom rested the responsibility for action. The brief extract just quoted appeared, it will be noticed, in the issue of the London *Times* of May 30th. On the 6th and 9th of the same month Russell was making in his Diary the following more detailed record:

Mr. Benjamin [then acting as Attorney-General of the Confederacy] is the most open, frank, and cordial of the Confederates whom I have yet met. In a few seconds he was telling me all about the course of Government with respect to privateers and letters of marque and reprisal, in order probably to ascertain what were our views in England on the subject. I observed it was likely the North would not respect their flag, and would treat their privateers as pirates. "We have an easy remedy for that. For any man under our flag whom the authorities of the United States dare to execute, we shall hang two of their people." "Suppose, Mr. Attorney-General, England, or any of the great powers which decreed the abolition of privateering, refuses to recognize your flag?" "We intend to claim, and do claim, the exercise of all the rights and privileges of an independent sovereign State, and any attempt to refuse us the full measure of those rights would be an act of hostility to our country." "But if England, for example, declared your privateers were pirates?" "As the United States never admitted the principle laid down at the Congress of Paris, neither have the Confederate States. If England thinks fit to declare privateers under our flag pirates, it would be nothing more or less than a declaration of war against us, and we must meet it as best we can.". . . As I was going down stairs, Mr. Browne called me into his room. He said that the Attorney-General and himself were in a state of perplexity as to the form in which letters of marque and reprisal should be made out. They had consulted all the books they could get, but found no examples to suit their case, and he wished to know, as I was a barrister, whether I could aid him. I told him it was not so much my

regard to my own position as a neutral, as the *vafri inscitia juris* which prevented me throwing any light on the subject. There are not only Yankee ship-owners but English firms ready with sailors and steamers for the Confederate Government, and the owner of the *Camilla* might be tempted to part with his yacht by the offers made to him. [Mr. Browne had three days before assured Lord Russell that] the Government had already received numerous — I think he said four hundred — letters from ship-owners applying for letters of marque and reprisal. Many of these applications were from merchants in Boston, and other maritime cities in the New England States.[1]

In studying the history of what then occurred and the considerations which influenced the policy and utterances of those responsible, as were Davis and Seward, for the course of events, the foregoing is distinctly illuminating. It throws a penetrating light on a condition of affairs now wholly matter of the past, but one necessary to bear in mind if the course pursued by those public characters is to be understood, much more if an historic justice is to be meted out to them. The essential fact is, and it is apparent from the foregoing extract, that in May, 1861, Judah P. Benjamin on the one side, and W. H. Seward on the other, took up a line of policy exactly where it had been dropped on the conclusion of the treaty of Ghent, in December, 1814. Confronted by a new and quite unforeseen situation, they insensibly reverted to the state of affairs which had existed half a century before, and the methods adopted in dealing with it. They failed, and most naturally failed, to grasp the fact that nearly every condition had changed; and, consequently, they had to grope their way somewhat blindly and altogether tentatively to a realizing sense of this fact. During the intervening half-century steam had supplanted wind as the essential factor in naval operations; and this fact, under the international conditions which prevailed throughout our Civil War, set at naught all the hopes and anticipations of Mr. Benjamin, and, had he from the first fully realized what it implied, would have justified Mr. Seward in dismissing his apprehensions, so far as injury from privateers was concerned. In other words, what Benjamin hoped for and Seward feared was the fitting out at individual cost in Confederate and neutral ports of a swarm of cruisers who

[1] Russell, *My Diary, North and South*, chapters xxii–xxiii.

would in view of the illicit profits to be derived therefrom prey on American commerce, repeating the experience of the wars anterior to 1815. It was this class of venture to which the first article of the Declaration of Paris was meant to apply, — the fitting out and maintenance on the sea of privately owned cruisers sailing under letters of marque. It in no way applied to vessels, whether commerce destroyers or others, built, equipped, armed and commissioned by a recognized belligerent. As a matter of fact, therefore, and under the international conditions maintained throughout our Civil War, the provision of the Declaration of Paris inhibiting privateering, had it been in force, would have proved inoperative; and it would have proved inoperative simply because, contrary to the hopes and expectations of Mr. Benjamin on the one side, and the fears and apprehensions of Mr. Seward on the other, privateering, within the meaning of the Declaration of Paris, cut no figure.

Why it thus cut no figure is obvious. The British and French proclamations of belligerency, and consequent neutrality, of May 13 and June 10, 1861, solved the difficulty and, though undesignedly, solved it under the altogether novel maritime conditions then existing in favor of the United States. Privateers sailing under letters of marque could then by the old and established maritime usage be fitted out in either neutral or Confederate ports, sailing therefrom. As matter of fact, however, both were practically closed. The last, the Confederate ports, were closed by a blockade, made possible by steam, to either the egress of armed vessels, whether public or private, or the ingress of such vessels, or any prizes that might be captured by them. So long, therefore, as the blockade could be effectively maintained, or, in other words, so long as the European naval powers did not actively intervene to put an end to the ocean mastery of the Union, that source of danger was sealed up. Practically, also, the neutral ports were equally closed; for not only was the fitting out of privateers, as also of commissioned cruisers, in disregard of neutrality, and so illegal, but if an evasion of the law was successful or even connived at, the bringing in of prizes was forbidden. The entire inducement and incentive to privateering, in the sense of the Declaration of Paris, was thus cut off. So far as privateering, therefore, is concerned, whether with the ports of the Confederacy or

neutral ports as a basis, everything depended on the blockade, and the observance as respects prizes of foreign neutrality; and on that neutrality, and its continual observance, the blockade itself was dependent. Consequently, everything in the struggle from the outset, privateering of course included, hinged on what is known as Sea Dominion.

So far, however, as the present study is concerned, the one important result thus far reached is that, apparently, the first article of the Declaration of Paris had, under conditions then prevailing, so little practical application to maritime operations during the Civil War as to constitute in them but a negligible quantity. The Confederate commissioners in the extract just given from their communication to the British Foreign Secretary set forth the situation in terms of moderation when they said that the Southern States were "neither a manufacturing nor a commercial people, . . . having no navy, no commercial marine, out of which to improvise public armed vessels to any considerable extent." Captain J. D. Bulloch, the Confederate naval agent and representative in Europe throughout the struggle, writing in 1883, stated the case far more correctly. He said: "It was impossible to build armored vessels in the Confederate States for operations on the coast; — neither the materials nor the mechanics were there; and besides, even if iron and skilled artisans had been within reach, there was not a mill in the country to roll the plates, nor furnaces and machinery to forge them, nor shops to make the engines." [1] Under such conditions the most the Confederacy could accomplish within itself was to construct rude floating batteries, propelled by most insufficient engines, and adapted to inland-water operations both defensive and offensive, — vessels of the type of the *Virginia*, at Norfolk, and the *Tennessee*, at Mobile, in no way fit for ocean service. Nor were conditions more favorable for the proper fitting out of a privateering fleet. Bulloch subsequently wrote: "It is quite safe for me to state that at the beginning of the year 1861 there was not, within the whole boundary of the Confederacy, a single private yard having the plant necessary to build and equip a cruising ship of the most moderate offensive capacity." [2]

Under such conditions, domestic and foreign, Confederate

[1] Bulloch, *Secret Service*, I. 380. [2] *Ib.*, 22.

privateering within the meaning of the Declaration of Paris died an early and natural death.[1] As prizes could not, because of the blockade, be sent into Confederate ports for purpose of condemnation and sale, and as all foreign ports were closed to them, the inducement ceased to exist. The record of Confederate privateering proper can, therefore, be briefly recounted.

Early in May, 1861, at the outset of troubles, a rumor got abroad that an iron steamer, the *Peerless*, equipped on the Great Lakes, had been bought by the Confederate Government, preparatory to being sent to sea to operate on American commerce. Secretary Seward was at this time, as we now know, in an irritable state of mind, and one decidedly aggressive. The course of domestic events was not going as he had planned it should go; his position in the Cabinet was anomalous; his leadership was challenged; his influence, as the natural result of frequent forecastings invariably proved mistaken in the result, was plainly waning both in Washington and the country at large. Temporarily, at any rate, his prestige was distinctly impaired. Not unnaturally, also, his views at this stage of the conflict as to the foreign policy best to be adopted under circumstances altogether unprecedented were, to say the least, inchoate. So he, head of the Department of State, now sent a telegraphic order to all naval officers of the United States to seize the *Peerless* "under any flag, and with any papers," if they had probable information that she had been sold to agents of the Confederacy. In consequence of a vigorous protest against such a high-handed measure immediately filed by the British Minister, the Secretary, however, the same day wrote to Lord Lyons that if the information on which action was taken "proved to be incorrect, full satisfaction will be promptly given." [2] And even in this formal paper the usual confusion of thought and expression was perceptible, for it was stated that the ship in question was rumored to have been sold to the *de facto* insurgent government "to be used as a privateer." There was a distinctly humorous element in the outcome of this initial episode, illustrative of the way in which important public business was then transacted. Lord Lyons in due time reported to Earl Russell, "It turned out that the ship had all the time been purchased by the

[1] *Seward to Adams*, May 28, 1862. *Diplomatic Correspondence*, 1862, 101.
[2] *Parliamentary Paper*, North America, No. 1, 1862, 31–33.

United States government itself," and this purchase had been "the cause of proceedings of the vessel which were looked upon as suspicious." [1]

So far as my investigations enable me to form an opinion, there is thus no case of a vessel actually going out from any foreign port equipped as a privateer to sail under Confederate letters of marque. In every instance the vessel so equipped and going to sea was the property of the Confederacy, commissioned as such, and intended to perform the part of a modern commerce destroyer.

The only privateers, properly so classified, which, sailing under letters of marque, appeared upon the ocean and committed ravages on American commerce, were vessels equipped very early in the war in Confederate ports, and sent to sea therefrom. This phase of the struggle has been exhaustively and satisfactorily treated by J. T. Scharf in his *History of the Confederate Navy*.[2] The author, also, therein draws the distinction already referred to:

> A privateer, as the name imports, is a private armed ship, fitted out at the owner's expense, but commissioned by a belligerent government to capture the ships and goods of the enemy at sea, or the ships of neutrals when conveying to the enemy goods contraband of war. A privateer differs from a pirate in this, that the one has a commission and the other has none. A privateer is entitled to the same rights of war as the public vessels of the belligerent. A pirate ship has no rights, and her crew are liable to be captured and put to death by all nations, as robbers and murderers on the high seas.

In examining the list in this book given of vessels fitted out and sailing from Confederate ports under letters of marque during the first summer of the War, it is curious to observe how

[1] *Lyons to Russell, Ib.*, 115. This was not the only or most important instance in which, during the early weeks of the Lincoln administration, the functions of the Navy Department were without consultation assumed by the Department of State. In the Welles *Diary* (I. 23–25) there is an interesting account of a similar proceeding, leading at a most critical juncture to consequences of far greater moment. Secretary Welles, probably with undue severity, subsequently wrote (*Diary*, I. 204) of Mr. Seward: "He gets behind me, tampers with my subordinates, and interferes injuriously and ignorantly in naval matters, not so much from wrong purposes, but as a busybody by nature. I have not made these matters subjects of complaint outside and think it partly the result of usage and practice at Albany." See, also, *Ib.*, II. 160.

[2] Chapter IV, 53–93. Second edition. 1894.

closely the traditions of 1812–1815 were followed. The vessels were in greatest part mere schooners, hastily equipped and insufficiently armed. Fifty years behind the times, and relying solely on canvas, they were at the mercy of ships propelled by steam. The following is, for instance, an individual experience:

> The revenue cutter *Aiken*, which had been seized in Charleston by the authorities of South Carolina before the firing on Fort Sumter, was fitted out as a privateer, and called the *Petrel*, and placed under the command of Capt. Wm. Perry. On July 27th the privateer schooner sailed out of Charleston, and stood for the U. S. frigate *St. Lawrence*, which she mistook for a merchantman, as all her ports were closed. When the *Petrel* got within range she fired three shots without doing any damage. The *St. Lawrence* returned with shot and shell a terrific fire, one shell exploding in the hull of the *Petrel*, and sinking her instantly. The boats of the frigate were lowered, and picked up thirty-six out of forty of the privateer's crew, who were taken aboard, and their feet and hands heavily manacled. The remaining four were drowned.[1]

During the first months of the war, and before the blockade became really effective, quite a number of these privateers got to sea, and some of their captures — sent into Confederate ports — were there duly condemned and sold. Others were released after being bonded; but the greatest number of vessels captured were scuttled and otherwise destroyed. The injury thus sustained by the United States merchant marine was undoubtedly considerable, but in largest part due to the alarm occasioned, and the immediate consequent transfer of American shipping to foreign ownership. As the war progressed and the blockade became more effective, conditions produced their natural results. Privateering was abandoned as both perilous and unprofitable, and the maritime activity and spirit of adventure of the Confederacy turned in the direction of blockade running as at once less dangerous and far more remunerative. Privateering within the scope of Article I of the Treaty of Paris may, therefore, be said to have ceased to be a factor in the operations of the Civil War by the close of 1861.[2]

[1] Scharf, 86.

[2] "In the Civil War . . . the rebel government offered its letters of marque; but, as nearly all the maritime powers had warned their subjects that if they served in privateers in the war, their governments would not interfere to protect

Premising these distinctions, principles and facts, it is now proper to return to the narrative and the sequence of events.

The British proclamation of belligerency, as it is called, or more properly the proclamation of neutrality in the conflict which had developed, with the recognition of a belligerent character in both parties thereto, was made public in London during the week (May 15, 1861) following Mr. Russell's visit at the office of Attorney-General Benjamin, at Montgomery; and Secretary Seward was simultaneously formulating a policy, the circular in relation to the accession of the United States to the Declaration of Paris having been sent out on the 24th of April, or some three weeks before.

In the interim had occurred the tumultuous popular uprising of the loyal States consequent upon the attack on Sumter. The stage of incertitude and resulting panic had passed away, troops, such as they were, were pouring into Washington, and the country was well entered on the intermediate, over-confident and self-inflated stage of the conflict referred to in the earlier portion of this paper. Secretary Seward shared to the full in these feelings, and that he did so was manifest both in his utterances and his official despatches. Acting, it would appear, under the impulse of the moment, and without sufficiently informing himself as to the character of the action taken by the British Government, or the consequences to be apprehended therefrom, Mr. Seward not only now assumed high ground, but the ground by him taken could by no possibility be maintained unless the most sanguine anticipations of the Union authorities were fulfilled in the immediate future, those anticipations in no way making provision for an unexpected adverse catastrophe.

them, and as the United States had threatened to treat such persons as pirates, and the naval power of the United States was formidable, no avowedly foreign private armed vessels took letters of marque; and the ostensibly Confederate vessels were commissioned as of its regular navy." Dana, *Wheaton*, 456*n*. "One popular error pervades all which has been said or written, on both sides of the line, about the Confederate navy. This is the general title of 'privateer' given to all vessels not cooped up in southern harbors. . . . There was a law passed, regulating the issue of letters of marque; and from time to time much was heard of these in the South. But [with the exception of the] "Jeff Davis" not more than two or three ever found their way to sea, and even these accomplished nothing. At one time, a company with heavy capital was gotten up in Richmond, for the promotion of such enterprises; but it was looked upon as a job and was little successful in any sense." De Leon, *Four Years in Rebel Capitals*, 262.

Accordingly, the Secretary (May 17th) set to work drafting what he while engaged upon it described in a familiar letter to a member of his family as a "bold remonstrance before it is too late." [1] His remonstrance took the form of the despatch No. 10 of May 21st, addressed to Mr. Adams.[2] It is unnecessary for present purposes to refer to it in detail. It is sufficient to say that upon its receipt and first perusal Mr. Adams wrote in his Diary: "The Government seems almost ready to declare war with all the powers of Europe, and almost instructs me to withdraw from communication with the ministers here in a certain contingency. . . . I scarcely know how to understand Mr. Seward. The rest of the Government may be demented for all I know; but he surely is calm and wise. My duty here is in so far as I can do it honestly to prevent the irritation from coming to a downright quarrel. It seems to me like throwing the game into the hands of the enemy." [3] In the despatch referred to the Secretary, in addition to the suppression of domestic insurrection, contemplated as possible if not immediately impending, a war "between the United States and one, two, or even more European nations," — a conflict of which he now wrote to his wife, "it will be dreadful, but the end will be sure and swift." The despatch was, in fact, a general defiance thrown forth to governments throughout the world, whether avowedly unfriendly or assumed to be so! [4]

[1] *Seward at Washington*, II. 575–576.

[2] The general tenor of this despatch was known at the time to Lord Lyons. He wrote concerning it to Lord John Russell, under date of May 23d, as follows: "Upon receiving the intelligence of your Lordship's declaration in Parliament, Mr. Seward drew up a despatch to Mr. Adams to be communicated to your Lordship in terms still stronger than any he had before used. I fear that the President has consented to its being sent, on condition, however, that it is to be left to Mr. Adams's discretion to communicate it or not, as he may think advisable. If sent, it will probably reach London about the same time with this despatch." (*Parliamentary Paper*, 1862, 39.) This despatch reached the Foreign Office June 4th; the despatch referred to in it did not reach the Legation in London until six days later, June 10th. See also *Parliamentary Paper* (1862), 115, where, just at the crisis of the *Trent* affair (December 25, 1861), the attention of Earl Russell is called by Lord Lyons to Mr. Seward's despatch of May 21, then just made public in the printed diplomatic correspondence accompanying the message of the President.

[3] Ms. *Diary*, Monday, June 10, 1861.

[4] During the earlier portions of the Lincoln administration, largely through the influence of the Secretary of State, no regular Cabinet meetings were held. Mr. Welles asserts in his *Diary* (I. 138) that "Many of the important measures, par-

In this despatch as originally drawn and submitted to the President, the Secretary, reflecting the mood and expectations of the hour, among much else observed that "after long forbearance, designed to soothe discontent and avert the need of civil war, the land and naval forces of the United States have been put in motion to repress the insurrection. The true character of the pretended new State is at once revealed. It is seen to be a Power existing in pronunciamento only." [1]

In preparing this puzzling, if not now well-nigh incomprehensible state paper, couched in language plainly calculated to provoke and precipitate a foreign crisis, one thing only is obvious, — the Secretary of State was, in plain English, discounting a wholly successful outcome of the movements of the land and naval forces of the United States then preparing to be put in immediate "motion to repress the insurrection." So much is manifest. What, however, was implied by the observation in the paragraph immediately succeeding that from which the extract just given is quoted, is less apparent. The Secretary went on to assert that in certain contingencies then regarded as of more than probable occurrence "the laws of

ticularly of his own Department, [Mr. Seward] managed to dispose of or contrived to have determined independent of the Cabinet." See also *Ib.*, I. 134, 154, 203, 274. So far as anywhere appears, this course was followed with respect to the despatch of May 21. It was never submitted to the Cabinet, and, while rumors of its purport were current, knowledge of its details seems at the time to have been confined to the Secretary, Mr. Lincoln, and Mr. Sumner, Chairman of the Senate Committee on Foreign Relations, who was consulted by the President in regard to it. No reference to what then occurred is found in Pierce's *Life of Sumner*. A year later, however, when a concerted move was made by the Republican Senators to bring about the dismissal of Secretary Seward from the Cabinet, much emphasis was laid upon this despatch, portions of which had been published in the *Diplomatic Correspondence* of the previous year. In his *Diary* Secretary Welles says that during the discussion which took place, December 20, 1862, between the committee of nine Senators and the President and members of his Cabinet, the volume of *Diplomatic Correspondence* was alluded to; "some letters denounced as unwise and impolitic were specified, one of which, a confidential despatch to Mr. Adams, was read. If it was unwise to write, it was certainly injudicious and indiscreet to publish such a document." (*Diary*, I. 198; *Lincoln and Seward*, 76.) The Secretary of State was at this time very generally accused of transmitting despatches of importance to the foreign representatives without previously submitting them to the President. A case in point was developed at this conference, Mr. Lincoln expressing great surprise when his attention was called by Senator Sumner to a certain despatch in the printed *Diplomatic Correspondence* (that to Mr. Adams, July 5, 1862), disclaiming any knowledge of it. Pierce, IV. 111.

[1] Nicolay and Hay, *Lincoln*, IV. 273.

nations afford an adequate and proper remedy, and we shall avail ourselves of it." Clearly a threat, what that threat signified is still matter of inference.

Though a lawyer by calling, and as such in a way eminent, Mr. Seward did not possess what is known as a legal mind, much less one of judicial cast. Long retired from active practice, he had never given any particular attention to the problems and collection of usages which make up the body of what is denominated International Law. He now also freely admitted to his Cabinet colleagues that, though almost daily called upon to deal with novel and intricate international issues, he never opened the treatises, and "that he was too old to study." One of his associates (Blair) did not hesitate to say that in his opinion the Secretary of State knew "less of public law than any man who ever held a seat in the Cabinet"; while another (Welles) put on record his surprise to find him "so little acquainted with the books,"[1] and a third (Bates) pronounced him "no lawyer and no statesman."[2] Sumner, whose own conceptions of international usage were distinctly nebulous, averred that Seward knew nothing of it; and apparently without consulting so familiar an authority as Wheaton, the Secretary of State depended for his conclusions on the chief clerk of the Department and a few unofficial advisers of questionable authority.[3] What, however, Mr. Seward now distinctly implied, was that, should Great Britain give shelter from our pursuit and punish-

[1] Allowance must always be made in case of statements found in the Welles *Diary* as respects Mr. Seward. Referring, however, to his lack of acquaintance with the principles of international law, Mr. Welles wrote as follows, under a date as late as January 30, 1865: "He told me last week that he had looked in no book on international law or admiralty law since he entered on the duties of his present office. His thoughts, he says, come to the same conclusions as the writers and students. This he has said to me more than once. In administrating the government he seems to have little idea of constitutional and legal restraints, but acts as if the ruler was omnipotent. Hence he has involved himself in constant difficulties." *Diary*, II. 232.

[2] Welles, *Diary*, I. 170, 233, 275, 285; II. 93.

[3] "[Seward] has, with all his bustle and activity, but little application; relies on Hunter and his clerk, Smith, . . . to sustain him and hunt up his authorities." Welles, *Diary*, I. 275. "Whiting, Solicitor of the War Department, has gone to Europe. Is sent out by Seward, I suppose. . . . [William Whiting is] such a man as Stanton would select and Seward use." *Ib.*, 381, 544; II. 85. William Whiting then occupied the position of solicitor of the War Department. Caleb Cushing, whose loyalty at this time was not above suspicion, also seems to have been an unofficial adviser. *Ib.*, I. 275.

ment to those whom she declared "lawful belligerents," but who being our citizens we adjudged to be "pirates," the law of nations would justify the United States in pursuing such miscreants into neutral harbors and there destroying them. The proposition was certainly "bold," — not to say startling.[1]

[1] This would seem to be the unavoidable inference to be drawn from the despatches of Secretary Seward connected with events of subsequent occurrence. On the night of October 6, 1864, the Confederate cruiser *Florida* was run down by the United States cruiser *Wachusett* in the harbor of Bahia, Brazil, and subsequently towed out to sea and carried to Hampton Roads, as prize. In this case there was no controversy as to facts. The whole proceeding was high-handed, and in manifest violation of recognized principles of international law. As such it led to formal representations on behalf of Brazil to which Secretary Seward replied under date of December 20, 1864. The correspondence can be found in the "British Case" prepared for the Geneva Arbitration (75–78) and in Bulloch's *Secret Service of the Confederate States in Europe* (I. 199–224). In his reply to the reclamation of the Brazilian Minister Secretary Seward then wrote that the *Florida*, "like the *Alabama*, was a pirate, belonging to no nation or lawful belligerent, and therefore that the harbouring and supplying of these piratical ships and their crews in Brazilian ports were wrongs and injuries for which Brazil justly owes reparation to the United States." The Secretary further denied that the "insurgents of this country are a lawful naval belligerent; and, on the contrary, it maintains that the ascription of that character by the Government of Brazil to insurgent citizens of the United States, who have hitherto been, and who still are, destitute of naval forces, ports, and courts, is an act of intervention in derogation of the law of nations, and unfriendly and wrongful, as it is manifestly injurious, to the United States."

In the preceding year, in a despatch from Mr. Seward to Mr. Adams (*Diplomatic Correspondence*, 1863, Part I. 309–310) relating to the recent decision in the case of the *Alexandra*, Mr. Seward wrote as follows: "If the law of Great Britain must be left without amendment, and be construed by the government in conformity with the rulings of the chief baron of the exchequer, then there will be left for the United States no alternative but to protect themelves and their commerce against armed cruisers proceeding from British ports, as against the naval forces of a public enemy; and also to claim and insist upon indemnities for the injuries which all such expeditions have hitherto committed or shall hereafter commit against this government and the citizens of the United States. To this end this government is now preparing a naval force with the utmost vigor; and if the national navy, which it is rapidly creating, shall not be sufficient for the emergency, then the United States must bring into employment such private armed naval forces as the mercantile marine shall afford. . . . Can it be an occasion for either surprise or complaint that if this condition of things is to remain and receive the deliberate sanction of the British government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbors for the pirates?" In connection with these extracts it should be observed that the first — that relating to the *Florida* — occurred at the close of December, 1864, when the Civil War was rapidly drawing to a close. The correspondence, in this case, was submitted to the Cabinet, and the despatch to the Brazilian minister was approved (Welles, *Diary*, II. 184–186, 197). There is no

Coming, however, to the final paragraph in the extracts from the despatch of May 21st — that relating to the Treaty of Paris — it will be noted that the Secretary referred to it as "abolishing privateering everywhere in all cases and forever"; he then went on as follows: "You already have our authority to propose to [Great Britain] our accession to that declaration. If she refuse to receive it, it can only be because she is willing to become the patron of privateering when aimed at our devastation." [1]

We now come to the true inwardness of the present discussion. What did Seward mean by this language? What was he driving at? Did he speak in good faith? — or did he have an ulterior and undisclosed end always in view, that end to be attained by indirection? The study becomes interesting, for it is necessarily made from the *dramatis personae* point of view. It involves the correct reading of the individual character of eminent men at a very critical period historically. What then was Seward proposing to himself? What considerations actuated Earl Russell in the course he was presently to take? How did Mr. Adams, Lord Lyons and Mr. Dayton, who bore the subordinate parts in the drama, demean themselves?

Seward is primarily to be considered and disposed of. His was the leading part. He had in the first place announced that dealing with the privateers sailing under Confederate letters of marque was a matter within the exclusive prerogative of the United States, the Confederacy then (May 21st) not being a recognized belligerent; and the United States proposed, by virtue of its municipal law, to treat the privateers as pirates.

evidence that the previous despatch to Mr. Adams, of July 11, 1863, was submitted to the Cabinet or had been approved by the President before transmission. It was not communicated by Mr. Adams to Earl Russell; and when it subsequently appeared in the United States *Diplomatic Correspondence*, "a storm was raised in the House of Commons. This was not calmed until Earl Russell claimed that as the despatch had never been laid before him, he had been spared the difficulty and pain of giving an appropriate answer to it." (Bancroft, *Seward*, II. 390.) While the Secretary naturally hesitated to advance such a claim as an accepted principle of international law, he seems not to have been unwilling vaguely to imply as much, venturing on no specific proposition. The threat of a recourse to privateering in certain contingencies which must inevitably have ensued had the action taken by the *Wachusett* been ventured upon under instructions in British waters, was expressed in language which could not be termed even diplomatically veiled.

[1] Nicolay and Hay, *Lincoln*, IV. 273.

Seward's scheme unquestionably was, by an adroit though somewhat transparent move on the diplomatic chess-board, to force the neutral maritime powers into a position inconsistent with the law, — whether international or of humanity; that is, he proposed by giving notice as prescribed to secure the accession of this country to the stipulations of the Treaty of Paris under which privateering was abolished, and then the United States was, as the sole recognized sovereign nationality, to demand of the Powers that "privateering [being] everywhere and in all cases and forever" abolished, the Powers must refuse access to their ports to the Confederate "pirates," as he designated them. Thus reducing them into the class of criminals or outlaws, — as such to be summarily dealt with.

Such was Seward's scheme, as it first assumed shape in his mind.

Yet, again, the matter of dates now becomes important. Seward took the initial step leading to this position April 24th, — twelve days only after the attack on Sumter. He then notified the proposed accession of the United States to the Declaration of Paris. The Confederacy had not up to that time anywhere been recognized as a belligerent; and, that being the case, Seward assumed that the United States, being the "exclusive sovereign," rightfully and as of course spoke internationally for the so-called Confederacy as well as for itself.

Unfortunately for the practical working of this theory, Great Britain and France, acting in co-operation at this juncture, recognized the Confederacy as a belligerent; and then, under all accepted rules of international law, the new belligerent had a right to carry on its operations on water as on land.

Here was a new and somewhat irritating as well as extremely perplexing issue; and again Seward took high ground. As foreshadowed in his despatch No. 10, he now insisted that the Confederacy was not a belligerent in any full sense of the term until acknowledged as such by the sovereign power of the United States. Writing to Mr. Dayton at this time Mr. Seward thus expressed himself, in a despatch marked "strictly confidential":

> You seem to us to have adopted the idea that the insurgents are necessarily a belligerent power because the British and French Governments have chosen in some of their public papers to say that they are so. . . . Our view is on the contrary. . . . We do not admit,

and we shall never admit, even the fundamental statement you assume, namely, that Great Britain and France have recognized the insurgents as a belligerent party. True, you say that they have so declared. We reply: Yes, but they have not declared so to us. You may rejoin: Their public declaration concludes the fact. We nevertheless reply: It must be not their declarations, but their action that shall conclude the fact. That action does not yet appear, and we trust, for the sake of harmony with them and peace throughout the world, that it will not happen.[1]

Accordingly, he vaguely claimed that the United States, not acknowledging the Confederacy as a belligerent, could treat as it saw fit vessels commissioned by the Montgomery government as privateers; and, privateers being abolished by the Declaration of Paris, they consequently became pirates. Having thus fixed their status, he further distinctly intimated an intention to claim that they could be pursued into neutral ports, and there destroyed as common enemies of mankind.[2]

Such was apparently the line of procedure somewhat vaguely formulated in Seward's mind; the ultimate step of which he held in reserve throughout what are known as the negotiations relating to the Declaration of Paris, now gravely entered upon.

So much for Secretary Seward. It is now necessary to turn to the other parties to that negotiation; and first, Earl Russell.

In the earliest of the discussions which took place in the Commons (May 2, 1861) after the firing on Sumter, Lord John Russell, as he then was, used the striking expression that Great Britain had nothing to do with the American troubles, and added, "For God's sake, let us, if possible, keep out of them!" As a statement of fact also, and proposition of international usage, Lord John Russell stood on firm ground when he further at this juncture said in the Commons: "a power or a community (call it which you will) which [is] at war with another, and which

[1] Moore, *International Law Digest*, VII. 574.

[2] In the case of the *Florida* the commander of the *Wachusett* had acted on his own responsibility. His proceeding was therefore disavowed with expressions of regret; and this was to be regarded as "ample reparation" in view of "the enduring sense of injuries" entertained by the United States. Had, however, the violation of neutrality taken place by order under the conditions set forth in the despatch to Mr. Adams of July 11, 1863, the law of nations "afforded an adequate and proper remedy," that remedy being apparently an offer of ample though formal reparation, accompanied, of course, in proper cases, by a suitable money indemnity. See, also, Welles, *Diary*, II. 185, 197.

[covers] the sea with its cruisers, must either be acknowledged as a belligerent, or dealt with as a pirate." [1] The issue was clear and made up. President Lincoln had by proclamation announced that those captured on Confederate cruisers or privateers were to be dealt with as pirates. These utterances of Lord John clearly foreshadowed the position of neutrality the British Government, of which he was in this matter the mouthpiece, proposed to assume. That Government was, however, most distrustful of Secretary Seward personally. Those composing it very generally suspected that he intended to excite some grave foreign complication in order to bring about a domestic reconciliation. With this possibility in mind, Lord John Russell had written to Lord Lyons as long before as February 20th, as follows: "Supposing, however, that Mr. Lincoln, acting under bad advice, should endeavor to provide excitement for the public mind by raising questions with Great Britain, Her Majesty's Government feel no hesitation as to the policy they would pursue. . . . They would take care to let the Government which multiplied provocations and sought for quarrels understand that their forbearance sprung from the consciousness of strength and not from the timidity of weakness."

The British Secretary did not err in this surmise. The idea of a foreign complication as a counter-irritant was, as we now know, distinctly in Seward's mind, even at that early date (February, 1861). Philosophizing on this problem in the measured language characteristic of his writings, Mr. Rhodes says of the Secretary's mental condition four months later:

> The infatuation of Seward is hard to understand; it shows that the notion which had prompted the "Thoughts for the President's Consideration" still lodged in his brain, and that he dreamed that if the United States made war on England because she helped the Confederacy, the Southerners, by some occult emotional change, would sink their animosity to the North, and join with it for the sake of overcoming the traditional enemy. His unconcern at the prospect of serious trouble with England was not courage, but a recklessness which made him oblivious of what all discerning Northern statesmen knew — that the people devoted to the Union had undertaken quite enough, in their endeavor to preserve the nation from destruction by its internal foes.[2]

[1] Walpole, *Twenty-five Years*, II. 41.

[2] Rhodes, III. 424.

In other words, Seward seems to have shared to the full in the condition of mental intoxication in which the loyal North indulged during the hundred days between Sumter and Bull Run. The distrust of him, therefore, privately entertained at that time in diplomatic circles and the departments of foreign affairs was well founded; far more so than was generally known, or in America even surmised until the Nicolay-Hay revelations of twenty years later. Lord Lyons, however, at once advised Earl Russell of Seward's scheme in the Declaration of Paris move. In a despatch dated June 4th, and received in London June 14th, he wrote:

"It is probable that Mr. Adams may, before this despatch reaches your Lordship, have offered, on the part of this Government, to adhere to Art. 1 of the Declaration of Paris as well as to the others and thus to declare privateering to be abolished. There is no doubt that this adherence will be offered in the expectation that it will bind the Governments accepting it to treat the privateers of the Southern Confederacy as pirates. . . . At the present moment, however, the privateers are in full activity, and have met with considerable success. It is not, therefore, to be expected that the Southern Confederacy will relinquish the employment of them, otherwise than on compulsion or in return for some great concession from France and England." He further added this caution: "It seems to me to be far from certain that the United States Congress would ratify the abolition of privateering; nor do I suppose that the Cabinet will abide by its proposal when it finds that it will gain nothing towards the suppression of the Southern privateering by doing so."

The ultimate purpose of Seward's move on the international chess-board was, therefore, understood in the British Foreign Office; and, of course, Earl Russell did not propose to be unwittingly a victim of it. Accordingly, under date of July 12, 1861, he was thus writing to Edward Everett in Boston, knowing well that the latter was in correspondence with Mr. Adams in London:

I respect the unanimous feeling of the North, and still more the resolution not to permit the extension of Slavery which led to the election of President Lincoln. But with regard to our own course I must say something more. There were according to your account eight millions of freemen in the Slave States. Of these millions up-

wards of five have been for some time in open revolt against the President and Congress of the United States. It is not our practice to treat five millions of freemen as pirates, and to hang their sailors if they stop our merchantmen. But unless we meant to treat them as pirates and to hang them, we could not deny them belligerent rights. This is what you and we did in the case of the South American Colonies of Spain. Your own President and Courts of Law decided this question in the case of Venezuela.[1]

Meanwhile, Seward, by what has always, for some reason not at once apparent, passed for a very astute proceeding,[2] caused

[1] Adams Mss. Enclosure in *Everett to Adams*, August 20, 1861. *Proceedings*, xlv. 76, 77.

[In view of the correspondence which is known to have passed between the Premier and the Editor of the *Times* just prior to the Trent affair, four months later, it is safe to assume that the *Times* was at this juncture directly inspired from Government sources. In its editorial columns of the issue of May 15th, the following comment appeared on the Proclamation of Belligerency, then just published:

"The North sees in the Southern States rebels against its authority, and will probably, at first at least, decline to recognize the validity of Letters of Marque issued under the authority of President Jefferson Davis. The South will not be slow to retaliate, and it may easily be anticipated that there will be a disposition on both sides to treat those crews of privateers who may fall into their hands as pirates, to whom the license they bear gives no protection. What would be the conduct of the British Government under such circumstances? Suppose an Englishman taken on board a Southern privateer to be hanged under a sentence of a Court of Admiralty at New York, — what would be the conduct of the Government in this country? The answer of the Proclamation to the question is by no means encouraging. Persons enlisting in such service will do so at their peril and of their own wrong, and will in no wise obtain any protection from us against any liabilities or penal consequences. It will be observed that in this place the word 'such' is omitted. The liabilities and penal consequences are not confined to those under the Act or under the law of nations, but are left wide and undefined, as if on purpose to impress the very case we are supposing. . . . We have done our duty if we distinctly point out that those Englishmen who, in defiance of the laws of their country and the solemn warnings of their Sovereign, rush into this execrable conflict will do so with direct notice that if they meet with enemies as reckless and merciless as themselves, they must bear the fate that awaits them, without any hope that the country whose laws they have broken will stretch forth her arm to shield them from the consequences of their own folly and wickedness. . . . The warning has been given in time; we hope and believe that it will prove effectual, and that the horrors of a civil war between brethren will not be aggravated by the uncalled-for intervention of the subjects of the parent State."

It would thus appear that from the commencement Great Britain was upon its guard. Under the circumstances, it was not proposed to protect British subjects therein concerned in case privateering was visited with the penalty of piracy. On the other hand, the British Government did not propose, through a deferred adhesion to the Treaty of Paris by the United States, to be drawn into a denial of right of asylum to a recognized belligerent. Ed.]

[2] *Seward at Washington*, ii. 581; Bancroft, *Seward*, ii. 181.

a transfer of the whole negotiation from Washington to London and Paris, — that is, he refused to see the representatives of France and Great Britain together, and under instructions acting jointly in reference to the accession of the United States to the Declaration of Paris; and by so doing caused the negotiations to pass out of his own hands into those of his two representatives in Europe, Mr. Adams and Mr. Dayton.[1] They, July 6th, were instructed accordingly, and proceeded to negotiate.

Dates and conditions must again be borne in mind. The instructions to negotiate on the basis of the treaty of Paris "pure and simple," bore date of July 6th, just fifteen days before the battle of Bull Run, and when the movement which led to that disaster was fully decided upon and in active preparation. So far as foreign relations were concerned, Seward was then still riding a very high horse, — the No. 10 charger, in fact, he had mounted on the 21st of the previous May. We get a vivid and exceedingly life-like glimpse of him, his attitude and way of talking at just this juncture through Russell's Diary. The *Times* special correspondent there describes how on July 4th — while the despatches ordering the Declaration of Paris negotiations to proceed were yet on Mr. Seward's table, to go out two days later — he (Russell) called at the Department of State. He reports the impression in the course of that interview made on him by Seward, recording his language thus:

"We are dealing with an insurrection within our own country, of our own people, and the Government of Great Britain have thought

[1] "Mr. Seward said at once that he could not receive from us a communication founded on the assumption that the Southern rebels were to be regarded as belligerents; that this was a determination to which the Cabinet had come deliberately; that he could not admit that recent events had in any respect altered the relations between foreign Powers and the Southern States; that he would not discuss the question with us, but that he should give instructions to the United States Ministers in London and Paris, who would be thus enabled to state the reasons for the course taken by their Government to your Lordship and to M. Thouvenel, if you should be desirous to hear them.

"'That is to say,' observed M. Mercier, 'you prefer to treat the question in Paris and London rather than with us here.'

"'Just so,' said Mr. Seward; 'and he proceeded to tell us that he should be very much obliged if we would, on our side, leave with him, for his own use only, our instructions, in order that he might be able to write his despatches to London and Paris with a certainty that he did not misapprehend the views of our Governments.'" *Lord Lyons to Lord John Russell*, June 17, 1861.

fit to recognize that insurrection before we were able to bring the strength of the Union to bear against it, by conceding to it the status of belligerent. Although we might justly complain of such an unfriendly act in a manner that might injure the friendly relations between the two countries, we do not desire to give any excuse for foreign interference; although we do not hesitate, in case of necessity, to resist it to the uttermost, we have less to fear from a foreign war than any country in the world. If any European Power provokes a war, we shall not shrink from it. A contest between Great Britain and the United States would wrap the world in fire, and at the end it would not be the United States which would have to lament the results of the conflict."

I could not but admire the confidence — may I say the coolness? — of the statesman who sat in his modest little room within the sound of the enemy's guns, in a capital menaced by their forces who spoke so fearlessly of war with a Power which could have blotted out the paper blockade of the Southern ports and coast in a few hours, and, in conjunction with the Southern armies, have repeated the occupation and destruction of the capital.

To the historical investigator of 1912 the foregoing account of a familiar talk with Secretary Seward in July, 1861, just a fortnight before the disaster at Bull Run, is distinctly suggestive; as also is Russell's comment on what then passed. To us who, seeing before and after, look back on the situation at that period, it is curious to consider what possibilities were in the mind of Secretary Seward when he thus, speaking for the United States, calmly contemplated the contingency of a war with the two leading naval powers of Europe, imposed upon the somewhat gigantic task of suppressing a domestic insurrection in which eleven distinct political communities were concerned, representing eight millions of population. We now know, and it would seem as if Secretary Seward could at the time hardly have failed to realize, that the task of suppressing the insurrection alone taxed to the utmost both the strength and the spirit of persistence of that portion of the United States which remained loyal to the Union. We also now appreciate the strategic fact that every vital military operation involved in that gigantic effort depended on maritime control.[1] From the capture of New Orleans by Farragut, through Sherman's march to the sea to Lee's surrender at Appomattox, it may

[1] 2 *Proceedings*, XIX. 311–326.

with safety be asserted that, with the exception of the Vicksburg and Chattanooga operations, there was not one even considerable operation which would have been possible had the national government been unable to sustain itself as the dominant sea power. This, as respects the domestic situation. And yet in July, 1861, Secretary Seward did not hesitate to profess his implicit confidence in the ability of the national government both to overcome the Confederacy and successfully to meet any possible combination of European nations, or, as he himself put it, to "suppress rebellion and defeat invasion besides."[1] What then had he in mind when so frequently indulging in the metaphorical prediction that "a contest between Great Britain and the United States would wrap the world in fire"? This prediction, too, he now uttered when actively negotiating for the accession of the United States to what was known as the Declaration of Paris, by which "privateering is and remains abolished."

I am not aware that Secretary Seward ever, either in his correspondence or in any conversation of which we have a record, enlarged upon this subject in detail. In the course of a despatch to Mr. Adams, written on the morrow of Bull Run, he thus expressed himself: "If, through error, on whatever side, this civil contention shall transcend the national bounds and involve foreign States, the energies of all commercial nations, including our own, will necessarily be turned to war, and a general carnival of the adventurous and the reckless of all countries, at the cost of the existing commerce of the world, must ensue."[2] This is suggestive; but a more detailed and

[1] Barnes, *Thurlow Weed*, II. 410.

[2] To trace conjecturally the line of thought or reasoning pursued by Seward in the presence of the quite unforeseeable phases assumed by the course of events at this juncture has a distinct psychological interest, and is, moreover, essential to any correct understanding of his acts and utterances. Essentially an imaginative man, Seward had also, as Bancroft points out (II. 505), a strong emotional and sentimental side to his character. To this was largely due his unbounded faith in the spirit of nationality in the American people, and his impulse to an appeal to patriotism in presence of a domestic complication. This faith was in him unbounded, and found frequent and at times eloquent expression. It inspired, we know, the fine closing sentiment of Lincoln's first inaugural, with its poetic reference to the "mystic chords of memory" swelling the "chorus of the Union." Nicolay-Hay, III. 323, 343. [Later it caused Seward to write exhortingly to Mr. Sumner in the midst of a most acute crisis in our foreign relations: "Rouse the nationality of the American people. It is an instinct upon which you can always

fairly adequate idea of what was then in Seward's mind can perhaps be derived from the *Diary* of Mr. Welles, who himself

rely, even when the conscience that ought never to slumber is drugged to death." A passage of similar tenor is quoted by Bancroft (II. 183) from a despatch to Dayton: "Down deep in the heart of the American people — deeper than the love of trade, or of freedom — deeper than the attachment to any local or sectional interest, or partisan pride or individual ambition — deeper than any other sentiment — is that one out of which the Constitution of this Union arose — namely, American Independence — independence of all foreign control, alliance, or influence." With this faith in the possibility of an appeal to what he considered an irresistible power when aroused, Seward's memory insensibly went back to the traditions of the War of 1812, and his own impressions based on features of that struggle and recollection of its phases and incidents; for, born in May, 1801, Seward was at the impressionable age of fourteen when the war closed. The part then played by the American privateers is familiar history. Reverting to that national experience, Seward, like President Buchanan, appears to have reasoned somewhat as follows:

(1) "Our most effectual means of annoying a great naval power upon the ocean is by granting letters of marque and reprisal." (*Supra*, 28.)

(2) In certain emergencies, he declared, "we must let loose our privateers." (Welles, *Diary*, I. 437.)

(3) Finding their way to every sea, these privateers will "wrap the whole world in flames. No power so remote that she will not feel the fire of our battle and be burned by our conflagration." (Russell, *My Diary*, December 16, 1861.)

(4) Consequently, any struggle in which we may be involved will be "dreadful, but the end will be sure and swift." (*Seward at Washington*, II. 575.)

In pursuing some such line of reasoning, and in reaching this conclusion, Seward, as is now obvious, left out of consideration the vital fact that since 1815 steam had replaced canvas in naval operations. Jefferson Davis at the same time, but on the other side, made the same mistake. Sustained privateering was, therefore, possible in 1861 only for vessels propelled by steam. This the Confederacy early learned. So far as appears, it does not seem to have occurred to Secretary Seward that in case of hostilities with the leading nations of Europe practically every foreign port in the world would have been closed to American vessels. It would have been impossible for them to hold the sea. The blockade of the Confederacy would have been raised, and the loyal States would have been in turn blockaded. Under these circumstances, the American privateer, could it have kept the sea, would have had no port of a foreign country in which to get supplies or into which to send its prizes; and the ports of its own country, where machinery could have been repaired and coal obtained, would have been closed. Hence every inducement as well as facility for privateering would have ceased to exist. The ports of the Confederacy would meanwhile have been opened, with a consequent unobstructed movement of cotton to Europe, and a counter unobstructed movement of arms, munitions and stores to the Confederacy.

Under such circumstances, it would seem as if Secretary Seward indulged in a delusion no less deceptive and dangerous than that at the same time indulged in by Jefferson Davis over the potency of cotton as a finally controlling factor in modern politics as well as trade. The maintenance of the blockade of the Confederacy, in fact, was essential to the success of the national government; and, whatever else might have resulted from a foreign intervention, had it occurred during the Civil War, the United States would have lost its control of the sea and

seems to have participated to a somewhat inexplicable extent in the highly conflagratory confidence of his colleague. Secretary Welles certainly did not as a habit share the views of Mr. Seward; but none the less, writing at a period two years later and even more critical, he on this "wrap-the-world-in-fire" topic thus expressed himself:

A war with England would be a serious calamity to us, but scarcely less serious to her. She cannot afford a maritime conflict with us, even in our troubles, nor will she. We can live within ourselves if worse comes to worse. Our territory is compact, facing both oceans, and in latitudes which furnish us in abundance without foreign aid all the necessaries and most of the luxuries of life; but England has a colonial system which was once her strength, but is her weakness in these days and with such a people as our countrymen to contend with. Her colonies are scattered over the globe. We could, with our public and private armed ships, interrupt and destroy her communication with her dependencies, her colonies, on which she is as dependent for prosperity as they on her. I was therefore in favor of meeting her face to face, asking only what is right but submitting to nothing that is wrong.

If the late despatches are to be taken as the policy she intends to pursue, it means war, and if war is to come it looks to me as of a magnitude greater than the world has ever experienced, — as if it would eventuate in the upheaval of nations, the overthrow of governments and dynasties. The sympathies of the mass of mankind would be with us rather than with the decaying dynasties and the old effete governments. Not unlikely the conflict thus commenced would kindle the torch of civil war throughout Christendom, and even nations beyond.[1]

The condition of affairs opens a vast field. Should a commercial war commence, it will affect the whole world. The police of the seas will be broken up, and the peaceful intercourse of nations destroyed. Those governments and peoples that have encouraged and are fostering our dissensions will themselves reap the bitter fruits of their malicious intrigues. In this great conflict, thus wickedly begun there will be likely to ensue an uprising of the nations that will shatter

the blockade of the Confederacy would have been raised. It is difficult now to see how in such case the cause of the Union could have been sustained. If his reasoning was really that indicated by his utterances, official and familiar, and they were not for mere effect, Mr. Seward would on this subject seem to have been wrong in his every premise. He left out of his equation not only steam and electricity but a half century of scientific development.

[1] *Diary*, I. 258–259.

existing governments and overthrow the aristocracies and dynasties not only of England but of Europe.[1]

Two men, mentally so differently constituted, thus concurred in what, involving as it did the mastery of the sea, cannot but impress the modern investigator as a singularly visionary and delusive hallucination. Nevertheless, it would seem that W. H. Russell was right when, on another occasion, he debated in his own mind whether Secretary Seward believed in the somewhat "tall" talk in which on this subject he was apt to indulge. After meditating the proposition carefully, Russell concluded that the Secretary really did have faith in the views he expressed.[2] Under the circumstances, it is difficult to avoid the conclusion reached by Secretary Welles in other connections, that Secretary Seward was in his mental make-up essentially visionary and erratic.[3] He was also, as Mr. Sumner asserted, somewhat wanting in what is known as hard, common sense.[4] Nevertheless, these characteristics again must be taken with qualifications. While Seward was visionary and to an exceptional and unfortunate degree addicted to prophetic utterance, yet, as a saving grace, he rarely allowed his visions to commit him to any action involving irretrievable disaster; while, as respects his erratic tendencies, when boldly challenged he became, as Mr. Welles asserted, "timid, uncertain, and distrustful";[5] and, "while thus lacking in a dangerous tenacity of

[1] *Diary*, I. 251. The following passage from a speech delivered in the House of Representatives by Thaddeus Stevens, of Pennsylvania, December 30, 1861, is of a similar tenor. Mr. Stevens was chairman of the Committee of Ways and Means, and the entire speech is curiously suggestive of the rhodomontade very generally indulged in at that stage of the conflict:

"War is always a mighty evil. With England it would be especially deplorable. But war with all nations is better than national dishonour and disgrace. We should be better able to meet England in arms with the rebel States in alliance with her than if they were still loyal. They have a vastly extended defenceless frontier easily accessible by a maritime enemy. Most of the army and navy of the nation during the last war were required for its defence. If we were relieved from protecting them, we could use all our forces in other quarters. We should then do what we ought long since to have done — organize their domestic enemies against them, who would find themselves and their allies sufficient employment at home without invading the North. If such a deplorable war should be forced upon us we should do what we ought to have done in the last war — rectify our Eastern and Northern boundaries; and our banner would wave over freemen, and none but republican freemen, from the Gulf of Mexico to the Arctic Ocean, and from the Bay of St. Lawrence to Puget Sound."

[2] *My Diary*, April 4, 1861.

[3] Welles, *Diary*, I. 11, 275.

[4] *Ib.*, 285.

[5] *Ib.*, 153, 154.

purpose, he was naturally disposed to oblique and indirect movements. With an almost phenomenal quickness of apprehension, however, he possessed "wonderful facility and aptness in adapting himself to circumstances and exigencies which he could not control, and a fertility in expedients, with a dexterity in adopting or dismissing plans and projected schemes, unsurpassed." [1] Very similar conclusions in these respects were reached by Mr. Bancroft, when he wrote in his *Life*: "There was in Seward's nature so much that was emotional and sentimental aside from what was subtle, and it was so common for him to seek to accomplish his purpose by indirect means, that it is often impossible to distinguish impulse from calculation." [2]

Reverting now to the narrative, it is well to bear in mind that, at the very hour Russell's description of the call at the State Department was recorded, the crisis was impending; seventeen days later only "the strength of the Union" was to be brought to bear against the Confederacy, with results which would render it difficult to deny the latter the status of a belligerent. Our somewhat hastily improvised and extremely vainglorious martial array was to be chased back to Washington in panic flight by "the power existing in pronunciamento only."

So much for the situation as, in the period of this episode, it affected Seward's mental operations and plans of procedure. There can, I think, be no reasonable doubt of the program he had in mind up to Bull Run; but, five months later, that program and the sequence of events were clearly set forth by Lyons in a despatch to Earl Russell, dated December 6, 1861, and received in London December 25th, at the very crisis of the subsequent *Trent* affair. Lyons wrote:

> A great deal of the space [in the diplomatic correspondence accompanying the President's message that day published] devoted to [England and France] is occupied by the negotiations concerning the adherence of the United States to the Declaration of Paris. Mr. Adams writes frequently and at great length concerning his misapprehension of your Lordship's intentions as to transferring the negotiation to Washington. The simple explanation of this misapprehension is, that Mr. Seward refused to see the despatch in which your Lordship's proposals were made. Your Lordship will recollect that Mr. Seward, having been permitted by M. Mercier and me to

[1] Welles, *Lincoln and Seward*, 43. [2] Bancroft, II. 505.

read and consider in private that despatch, and a despatch of a similar tenor from the Government of France, refused to receive the formal copies we were instructed to place in his hands, or to take any official notice of their contents. . . . From several of the papers now published, it appears that it was only an act of common prudence, on the part of the Governments of Great Britain and France, not to accept the accession of this country to the Declaration of Paris, without stating distinctly what obligations they intended by doing so to assume with regard to the Seceded States. Little doubt can remain, after reading the papers, that the accession was offered solely with a view to the effect it would have on the privateering operations of the Southern States; and that a refusal on the part of England and France, after having accepted the accession, to treat the Southern privateers as pirates, would have been made a serious grievance, if not a ground of quarrel. . . . In the letter from Mr. Seward to Mr. Dayton of the 22d June, the following passage occurs: "We shall continue to regard France as respecting our Government until she practically acts in violation of her friendly obligations to us, as we understand them. When she does that, it will be time enough to inquire whether if we accede to the Treaty of Paris she could, after that, allow pirates upon our commerce shelter in her ports, and what our remedy should then be. We have no fear on this head."

Had, therefore, the movement to Bull Run resulted differently, as Mr. Seward confidently believed it would, he had it in mind then to assume an aggressive attitude, boldly disclosing his ultimate object. He would insist on United States sovereignty, and the outlawing of all Confederate cruisers as pirates under the laws of the United States become operative as respects them by virtue of the adhesion of that country to the Declaration of Paris.

But, weeks before the 21st of July, and its catastrophe, the Declaration of Paris negotiation had passed out of Seward's hands into the hands of Messrs. Adams and Dayton. Their personalities and views of the situation have next to be considered.

Mr. Adams seems to have approached the negotiation in perfect good faith, holding that the articles of the Declaration of Paris were right in themselves, constituting a distinct advance in international law; and, being right, they should be acceded to by the United States on their merits and in good faith. He did not contemplate an ulterior move; had no eye

to possible impending complications; nor did he apparently grasp Seward's scheme in all its consequences. He, therefore, proceeded in a straightforward way to negotiate the accession of the United States to the Paris Declaration. In so doing he acted as it was incumbent on a diplomatic agent to act. He carried out his instructions in a spirit of obedience, and with unquestioning loyalty to his chief.

Mr. Dayton otherwise viewed the thing proposed. He apprehended early trouble between the United States and Great Britain, and considered that in such contingency privateering was a weapon of aggressive warfare which the United States should on no account abandon. He was, therefore, most reluctant to carry out his instructions, and did so only when they reached him in positive and explicit terms.

What policy and scheme of subsequent, alternative action were in Secretary Seward's mind when he forwarded those instructions, looking to the adherence of the United States to the Articles of the Declaration of Paris "pure and simple" can only now be matter of surmise. One thing would seem apparent. Secretary Seward at this juncture looked forward to serious foreign complications as at least probable. Neither in case of such complications does he seem to have proposed in any event so to commit the United States that in case of emergency a recourse could not be had to privateering as an effective weapon in warfare, especially in the case of Great Britain. On the contrary, both in his own utterances and in the *Diary* records of Secretary Welles a resort to letters of marque in the event of a foreign complication when the world would be "wrapped in fire" seems to be assumed as a matter of course.[1]

In the absence of any direct avowal, which could, under the circumstances, hardly be looked for, the inevitable inference, therefore, is that in such eventuality the American Secretary of State, with his "wonderful facility and aptness in adapting himself to circumstances and exigencies which he could not control," and his "fertility in expedients, combined with dexterity in adopting or dismissing plans and projected schemes," [2]

[1] A most annoying and destructive weapon of warfare, the "wolves of the sea" were bitterly denounced by the American Secretary of the Navy at the very time when, in case of a conflict with Great Britain, recourse would, he declared, be had to "letters of marque and every means in our power." *Diary*, I. 250.

[2] Welles, *Lincoln and Seward*, 43.

proposed to extricate himself from a commitment then become undesirable by asserting that through their refusal to recognize the cruisers of the Confederacy as pirates the foreign powers had themselves disregarded the Declaration of Paris with respect to privateering, thus releasing the United States from its obligations.

Through such confusion of thought and juggling of phrases the Secretary of State apparently saw a path clear before him in any eventuality. The United States was to find itself free to a recourse to what in the absence of the Declaration of Paris had always been regarded as a legitimate method of warfare. As usual, the onus of the violated obligation would have been transferred to the other parties thereto.

The British representative at Washington, Lord Lyons, was the only *dramatis persona* in these negotiations remaining to be considered. Of him it may fairly be said that his course throughout seems to furnish no ground for criticism. Placed in a most difficult position, and apparently at times treated by Mr. Seward with scant personal and official courtesy, he bore himself with quiet dignity, preserving an even temper and performing admirably his duties. His reports and despatches have not as yet been made accessible in full; but, so far as appears, acting loyally to his chief and paying obedience, both strict and tactful, to his instructions, he kept the British Foreign Office accurately and fully informed as to the course of events. Moreover, he seems to have understood his opponent, correctly divining his plan of operations and ulterior purpose. That he distrusted Mr. Seward and considered him very capable of covert dealing was well understood in Washington. This was the case to such a degree that Mr. Sumner told Secretary Welles that the British Minister had given him to understand that he was "cautious and careful in all his transactions" with the Secretary, and that he "made it a point to reduce all matters with Seward of a public nature to writing." [1] Nevertheless, owing doubtless to his tact, good temper, and the confidence in himself Lord Lyons had inspired, Mr. Welles later on recorded the following belief: "To a mortifying extent Lord Lyons shapes and directs, through the Secretary of State, an erroneous policy to this government. This is humiliating, but true." [2]

[1] Welles, *Diary*, I. 288. [2] *Diary*, I. 399, 409.

That, in the case of Mr. Seward, the judgment of Gideon Welles was biased and almost invariably harsh and unfavorable, is apparent. He is a prejudiced witness. None the less, a shrewd and incisive judge of character, and a very honest man, the Secretary of the Navy saw things in Lincoln's cabinet from the inside, — his sources of information were the best and most direct. That he was misinformed as to foreign affairs and not infrequently mistaken as well as rash in his judgments concerning them, is apparent from his contemporaneous records; and yet, making all possible allowance on these heads, it is not easy to see how a higher official tribute than that here paid by him could well have been paid to the Minister of a foreign country during a most critical period.

Perhaps, however, the best résumé of the situation in June, 1861, so far as Lord Lyons was concerned, is to be found in W. H. Russell's *Diary*. He there (chapter XLIV) records the fact that returning from his trip through the Confederacy, and reaching Washington on the 3d of July, he found Lord Lyons at the British Legation, and was sorry to observe that he looked "rather careworn and pale." As a result of what he then learned he further stated that Mr. Seward, as the Southern Confederacy developed its power, assumed ever higher ground, and became more exacting and defiant. He went on as follows, referring to what had recently taken place:

> Mr. Seward has been fretful, irritable, and acrimonious; and it is not too much to suppose Mr. Sumner has been useful in allaying irritation. A certain despatch was written last June, which amounted to little less than a declaration of war against Great Britain. Most fortunately the President was induced to exercise his power. The despatch was modified though not without opposition, and was forwarded to the English Minister with its teeth drawn. Lord Lyons, who is one of the suavest and quietest of diplomatists, has found it difficult, I fear, to maintain personal relations with Mr. Seward at times. Two despatches have been prepared for Lord John Russell, which could have had no result but to lead to a breach of the peace, had not some friendly interpositor succeeded in averting the wrath of the Foreign Minister.[1]

So far as the second, third and fourth articles of the Declaration of Paris were concerned, they in the negotiation now

[1] Russell, *Diary*, 377.

carried on presented no difficulty. The question turned wholly on the first, — that is, "Privateering is and remains abolished." As respects this, the battle of Bull Run entirely changed the diplomatic situation. After July 21, 1861, it was practically out of the question to deny that the Confederates were belligerents, and, on land or sea, to be treated as such. Nevertheless, the attempted confusion of Confederate cruisers duly commissioned, with privateers sailing under letters of marque, and these with piracy, was pressed until the following October. Then at last those captured on one of the Confederate commerce-destroyers were brought to trial, and a member of the crew of the *Jeff Davis* was convicted and sentenced to death.[1] Of course the sentence was not executed; and the farce, prolonged as such since July 21, then came to a close; and with it one of Seward's most involved diplomatic schemes.

The United States simply had to back down; or, as Seward the day following the battle wrote to his wife, — "nothing remains but to reorganize and begin again." [2]

The European negotiations had, however, already languished to a conclusion, all the diplomatic formalities being duly observed. Before the tidings of the catastrophe of July 21 reached Europe, the negotiation had come to a head. A formal convention was concluded (July 18) for the adhesion of the United States to the Declaration of Paris, and awaited signature; but on July 31st Earl Russell, just as the news of what had occurred at Bull Run was about to reach London, took occasion to notify Mr. Adams that, if the proposed convention should be signed, the engagement on the part of Great Britain would be "prospective," and would "not invalidate anything already done." In transmitting the correspondence to Secretary Seward, Mr. Adams somewhat naïvely observed that he did not understand the meaning of this phrase. In other words, it would appear that the ingenious confusion of terms — belligerency, sovereignty, insurgency, Confederate cruisers, letters of marque, privateering, pirates and piracy, the last five being in the plan of Mr. Seward interchangeable — the significance, I say, of this confusion of terms had not occurred to the American negotiator. It was, however, very present in the minds of both the British

[1] Rhodes, III. 429; Nicolay and Hay, V. 10.
[2] *Seward at Washington*, II. 600.

Foreign Secretary and the American Secretary of State. But at just this juncture, and while Mr. Adams was meditating the problem, tidings reached him of what had occurred in front of Washington on the 21st of the previous month. This was on August 4th; and the American negotiator had good occasion to write in his diary, "Thus a change is made in all our expectations, and the war from this time assumes a new character. My own emotion is not to be described."

Applying to Secretary Seward for further instructions, Mr. Adams was presently advised that the word "prospective" in Earl Russell's enigmatic statement was considered "unimportant"; but the declaration that the signature of the convention should "not invalidate anything already done" was suggestive of difficulties. Would Earl Russell kindly specify? This despatch did not reach Mr. Adams until after August 28th, — twenty-four days after the news of Bull Run had got to London, establishing the fact of Confederate belligerency beyond peradventure. Mr. Adams had then as the result of further correspondence already received a despatch from Earl Russell, prepared evidently in the full light of the recent military occurrence which had worked a change so material in all the American minister's "expectations." This despatch was conclusive. So far as "specification" was concerned, it certainly left nothing to inference. Earl Russell now wrote:

> It was most desirable in framing a new agreement not to give rise to a fresh dispute.
>
> But the different attitude of Great Britain and of the United States in regard to the internal dissensions now unhappily prevailing in the United States gave warning that such a dispute might arise out of the proposed convention.
>
> Her Majesty's Government, upon receiving intelligence that the President had declared by proclamation his intention to blockade the ports of nine of the States of the Union, and that Mr. Davis, speaking in the name of those nine States, had declared his intention to issue letters of marque and reprisals, and having also received certain information of the design of both sides to arm, had come to the conclusion that civil war existed in America, and Her Majesty had thereupon proclaimed her neutrality in the approaching contest.
>
> The Government of the United States, on the other hand, spoke only of unlawful combinations, and designated those concerned in them as rebels and pirates. It would follow logically and consistently,

from the attitude taken by Her Majesty's Government, that the so-called Confederate States, being acknowledged as a belligerent, might, by the law of nations, arm privateers, and that their privateers must be regarded as the armed vessels of a belligerent.

With equal logic and consistency it would follow, from the position taken by the United States, that the privateers of the Southern States might be decreed to be pirates, and it might be further argued by the Government of the United States that a European power signing a convention with the United States, declaring that privateering was and remains abolished, would be bound to treat the privateers of the so-called Confederate States as pirates.

Hence, instead of an agreement, charges of bad faith and violation of a convention might be brought in the United States against the power signing such a convention, and treating the privateers of the so-called Confederate States as those of a belligerent power.

Not unnaturally, in view of the facts which have here been recounted, and the inferences almost necessarily to be drawn from them, Secretary Seward in due time (September 7th) pronounced the proposed reservation quite "inadmissible." And here the curtain finally fell on this somewhat prolonged and not altogether creditable diplomatic farce.[1]

What, however, now seems more particularly to deserve attention in a study of this episode is the extreme danger apparently incurred therein by the United States. Indeed, without its being realized by any one, the country then seems to have practically challenged a greater peril than ever confronted it, with a single exception, through the succeeding years. All, in fact, depended upon the good faith of Earl Russell in pursuance of his policy of neutrality. Earl Russell, by great good luck, chanced to be a conventional British statesman; but had he been a man more of the Bismarckian type, and seen the situation clearly, the result would, if Mr. Henry Adams's view of the situation is correct, have been inevitable. He, in his paper, assumes, and undertakes to show, that Earl Russell throughout this episode acted evasively, practically in bad faith, and with an ulterior and concealed end always in view. That end was

[1] [In his annual message to Congress in December, 1861, President Lincoln said: "Although we have failed to induce some of the commercial powers to adopt a desirable melioration of the rigor of maritime war, we have removed all obstructions from the way of this humane reform except such as are merely of temporary and accidental occurrence." Ed.]

the early recognition of the Confederacy, and a consequent division of the United States. From the outset, as Mr. Henry Adams asserts, Earl Russell wanted to put the American Minister in the position of representing a portion only of a divided country, and there hold him.

But if this assumption is correct, the whole game was, in the negotiation which has been described, thrown by Secretary Seward into Earl Russell's hands. All the latter had to do was at once to accede to the proposal of the United States, and admit it by convention to the Articles of the Declaration of Paris. He would then have left the Secretary of State to get the assent of the Senate to that convention; which, however, Lord Lyons had already advised would, under the circumstances, be very difficult to obtain. This, however, a Bismarckian diplomat, if Mr. Henry Adams's theory as to the attitude of Russell and the British ministry is correct, would not have regarded. It would, in fact, in no way have concerned him. He would simply have acknowledged the right to accede, and claimed that, so far as the United States was concerned, "Privateering was and would remain abolished" thereby.

The next inevitable step would have followed, and that soon. Seward, as Secretary of State, would have insisted that the United States spoke for the Confederacy, and, the Confederacy not being a belligerent recognized by the United States, the letters of marque issued by it constituted a license for piracy under the American law; and the American law on that point must be held to prevail. The cruisers of the unrecognized *de facto* government had consequently no status on the ocean. They were not even privateers within the purview of the Declaration of Paris. They were simply pseudo-commissioned corsairs. A year later he angrily referred to them as "piratical cruisers," the presence of which on the ocean seemed "to leave to the United States at most no hope of remaining at peace with Great Britain without sacrifices for which no peace could ever compensate." [1] And again seventeen months later, under date of December 8, 1862, he said that up to a time shortly before, there was "a prevailing consciousness on our part that we were not yet fully prepared for a foreign war.

[1] Geneva Award Record, *Correspondence concerning Claims against Great Britain*, October 20, 1862, I. 260.

This latter conviction is passing away. It is now apparent to observing and considerate men that no European state is as really capable to do us harm as we are capable to defend ourselves. . . . The whole case may be summed up in this: The United States claim, and they must continually claim, that in this war they are a whole sovereign nation, and entitled to the same respect as such that they accord to Great Britain. Great Britain does not treat them as such a sovereign, and hence all the evils that disturb their intercourse and endanger their friendship."[1]

Assuming this attitude a year earlier, — and it apparently was Seward's next projected move on the diplomatic chessboard, as the pieces stood thereon after the firing on Sumter and before the Bull Run catastrophe, — the plain opportunity would then have presented itself to the Bismarckian statesman having the program in view which Mr. Henry Adams attributes to Earl Russell. The reply would have been an immediate and emphatic, "Very well; all that being so, we will now recognize the Confederacy as a member of the family of nations. After that, there can be no question whatever as to public commerce-destroyers, privateers or pirates. Every vessel sailing under its flag will be as much a public ship of war as one sailing under the flag of the United States. But, so far as the United States is concerned, 'Privateering is, and remains, abolished!'"

Seward would, by his course, have thus brought about the very result the United States had greatest cause to apprehend and most desired to avoid. In other words, he would have fallen headlong into the somewhat obviously yawning pit he had elaborately designed for others.

How perilously near the country came to the verge of that pit is made apparent in Mr. Bancroft's account of what was known as the Consul Bunch incident,[2] which occurred contemporaneously. Into the details of this incident it is not necessary here to enter. It is sufficient to say that while the negotiation for the adhesion of the United States to the Declaration of Paris was in progress in Europe, Robert Bunch, British Con-

[1] Geneva Award Record, *Correspondence concerning Claims against Great Britain*, October 20, 1862, I. 261.

[2] *Seward*, II. 195–203.

sul at Charleston, was carrying on something bearing a strong resemblance to a diplomatic intrigue looking to a partial adhesion at least of the Confederate Government to the same Declaration. The fact came to the knowledge of Secretary Seward, and the papers and despatches of Consul Bunch were at the proper time intercepted. Subsequently they were forwarded, through Mr. Adams, to the British Foreign Office. From these papers it appeared that Mr. William Henry Trescot of South Carolina, who had previously been in the diplomatic service of the United States, was now serving as an intermediary between Consul Bunch, acting on an intimation from Lord Lyons, and Jefferson Davis, looking to an understanding to be effected with the Confederacy.

A new and extremely interesting *dramatis persona* here enters on the scene; the strong individuality of Mr. Davis must now be taken into account. Mr. Trescot met Davis at Gordonsville, Virginia, while the latter, naturally elated over the victory just won, was on his way back to Richmond fresh from the Bull Run battle-field. Mr. Bancroft then says that a certain dissatisfaction at the way in which the negotiation now proposed to him had been opened seemed to cloud Davis's perception of the possible advantage to be derived from it. Instead, therefore, of at once acceding to the suggestion, and thereby establishing quasi relations with the governments of England and France, Davis merely gave to the proposition a general approval, promising to refer the question to the Confederate Congress. This he subsequently did; and the Congress, in August, 1861, passed a series of resolutions, drafted, it is said, by Davis himself,[1] approving all the Articles of the Declaration of Paris except that referring to privateers. The right of privateering was, however, especially emphasized, and reserved.[2]

[1] Nicolay and Hay, IV. 279.

[2] [*Journal of the Congress of the Confederate States of America*, I. 341. These resolutions were substituted, and apparently somewhat hastily, for others which had recently been adopted by the Congress. The *Journal* shows that on July 30 Mr. Hunter of Virginia introduced a preamble and resolutions defining the position of the Confederate States on points of maritime law, as laid down by the Congress of Paris of 1856, which were referred to the Committee on Foreign Affairs. On August 2 Mr. Rhett reported them back to the House, with a recommendation that they pass. Six days after, on motion of Mr. Barnwell, the special order was postponed to consider those resolutions, and the House passed them. On the 9th Mr. Memminger, by unanimous consent, moved to reconsider the vote,

This seems to be a somewhat inadequate disposal of what was in reality a crucial matter.[1] It would really almost seem as if a special Providence was then safeguarding the American Union equally against the blunders of its friends and the machinations of its enemies. The fact is that Jefferson Davis was at just this juncture obsessed with three accepted convictions, each one of which in the close proved erroneous; but the three together dictated his policy. These convictions were: (1) that the decisive military success just won at Manassas was final as respects the establishment of the Confederacy as an independent nationality; (2) that the control of cotton as a commercial staple put it in the power of the Confederacy to dictate a foreign policy to the European powers; and (3) that the free issuance of letters of marque to privateers was a terribly destructive weapon of warfare in the hands of the insurgent States. On these factors in the situation he now implicitly relied; and time was yet to show him that, combined, they were but a broken reed. Davis was, however, an essentially self-centred and, in his way, an opinionated man. Implicitly believing he now saw his way clearly, he acted accordingly; and what, differently handled, might have proved a great opportunity for the Confederacy, wholly escaped, unseen and neglected.

For, in the full light of subsequent developments and disclosures, it is not difficult to see how a somewhat less self-confident and provincial President of the Confederacy, and a somewhat more astute and clear-sighted British Secretary of Foreign Affairs, would, under conditions then existing, have availed themselves of this opportunity to bring about the result which Mr. Henry Adams asserts Earl Russell from the beginning had in view. But for the good faith of Earl Russell in following out his policy of strict neutrality, and the apparent overconfidence indulged in by Davis in consequence of the recent Confederate success at Bull Run,[2] the way lay open to a direct

and the resolutions were laid on the table. August 13 Hunter submitted a new set of resolutions as a substitute for those on the table, and the House acted at once. The earlier resolutions were not printed in the *Journal*. Ed.]

[1] See also Nicolay and Hay, IV. 278–280, where the whole Declaration of Paris negotiation, including the Bunch incident, receives in my judgment a treatment both inadequate and mistaken. When that work was prepared, the facts of the situation had been but imperfectly disclosed.

[2] "There grew up [after the Battle of Bull Run] all over the South such a

and full recognition of the Confederacy. The inchoate negotiation initiated by Consul Bunch was by him regarded as the first step in that direction; and, as Mr. Trescot pointed out to Davis, if Mr. Seward's loudly proclaimed threat was carried out, that such recognition would be regarded by the United States as a *casus belli*, Great Britain and France must, as a succeeding and final step, be brought into the struggle as allies of the Confederacy. As a result thereof the world might, as Mr. Seward confidently anticipated, "be wrapped in fire"; but the blockade would surely be raised! Jefferson Davis was yet to learn that, with the blockade in force, no port for prizes was open, and privateering was, consequently, *pro hac vice*, an antiquated and useless weapon in the armory of warfare. If then it were abandoned by the Confederacy as the price of such an alliance as that now suggested, the Confederate British-constructed cruiser would, with its prizes, have free ingress to and egress from the ports not only of the Confederacy but of Great Britain and France. However this might or might not have proved the case, one thing is apparent: If the motive and policy of the Palmerston-Russell Government was in the Summer of 1861 what Mr. Henry Adams so confidently asserts, no better opportunity of reaching the end it had in view ever presented itself than was presented in the course of the proceedings which have just been described.

Fortunately for the United States, the policy at this juncture pursued by Earl Russell was far more straightforward, aboveboard and direct than at the time he had credit for, especially in America, or than the American Minister in London then, or Mr. Henry Adams since, has credited to him.[1] In other words,

perfect confidence in its strength and its perfect ability to work its own salvation that very little care was felt for the action of Europe. In fact, the people were just now quite willing to wait for recognition of their independence by European powers, until it was already achieved." De Leon, *Four Years in Rebel Capitals*, 130.

[1] Mr. Adams, apparently as the result of later experience and calmer reflection, saw occasion to revise his opinion of Earl Russell's motives and official action. In his opinion, as one of the Geneva Board of Arbitration, on the case of the *Florida*, he expressed himself as follows: ". . . I hope I may not be exceeding my just limits if I seize this occasion to do a simple act of justice to that eminent statesman. Much as I may see cause to differ with him in his limited construction of his own duty, or in the views which appear in these papers to have been taken by him of the policy proper to be pursued by Her Majesty's government, I am far from drawing any inferences from them to the

so far as the record shows, Earl Russell, at that time at least, meant what he said, and carried himself accordingly. Mr. Henry Adams, on the contrary, writing so lately as 1907, has expressed his conviction that Earl Russell's management of the Declaration of Paris negotiation "strengthened the belief that [he] had started in May, 1861, with the assumption that the Confederacy was established . . . and he was waiting only for the proper moment to interpose." This, Mr. Henry Adams further asserts, seemed at the time so self-evident that no one then in the American London Legation would have doubted the proposition "except that Lord Russell obstinately denied the whole charge, and persisted in assuring Minister Adams of his honest and impartial neutrality."[1] If this was indeed the case, it can in the full light of subsequent revelations only now be concluded that the British Foreign Secretary was either truthful in his asseverations, or that in August, 1861, he failed to avail himself of a most admirable opportunity to carry out his fixed policy, and most effectually to "interpose."

Meanwhile, the confusion of speech intentionally created for an ulterior purpose by Seward in May and June, 1861, has continued indefinitely. Take our associate Mr. Schouler, for instance. In his *History* he says: "the Palmerston ministry connived presently at an evasion by which such vessels ceased strictly to be 'privateers' by receiving commissions from Jefferson Davis as regular war-vessels of the Confederacy."[2] And yet the distinction here referred to was manifest, fundamental and universally recognized.[3] The *Sumter* and the *Alabama*, for instance, were constantly referred to in the papers and memoirs of the time, sometimes as "privateers" and at other times as "pirates." The *Sumter*, as already pointed out, was a commissioned Confederate cruiser, hailing from a Confederate port, and making its way to sea through a block-

effect that he was actuated in any way by motives of ill-will to the United States, or, indeed, by unworthy motives of any kind. If I were permitted to judge from a calm comparison of the relative weight of his various opinions with his action in different contingencies, I should be led rather to infer a balance of good-will than of hostility to the United States." *Papers relating to the Treaty of Washington*, IV. 162.

[1] *Education of Henry Adams*, 128.

[2] *History of the United States*, VI. 126. Also *Seward at Washington*, II. 625.

[3] Moore, *Digest*, VII. 543–558.

ading squadron.[1] On the other hand, the single weak point in the *Alabama's* position was that, built and equipped at public Confederate cost, it had no home port of record, — that is, built in England and equipped in a neutral harbor of refuge, though sailing under Confederate colors it had never entered a Confederate port. It was, however, duly commissioned by a *de facto* government, and a belligerent recognized as such on land even by the United States. Except in that single respect of a home port, it was a regularly commissioned ship-of-war, — just as much so as the *Kearsarge*. That a ship-of-war, the property of a *de facto* government engaged in active war, was built evasively of law in a private ship-yard of a neutral country, and throughout its entire life never entered a harbor of the belligerent in whose service she sailed, certainly constituted an anomaly. A naval anomaly is, however, not necessarily piracy; nor is it at once apparent how a clause to that effect could, to meet a novel case, be read into the accepted treatises on international usage. British in origin, equipment and crews, the Confederate cruisers were homeless wanderers of the sea engaged in an irregular, not to say discreditable work of destruction — a work very similar in character to the wanton destruction of property by fire during a military raid. They were, however, still cruisers — ships of war — publicly owned and duly commissioned. In no respect privateers, they would not under any recognized interpretation of language have come within the Declaration of Paris inhibition of privateering. Neither, while engaged in a somewhat piratical work, were they in any common acceptance of the term pirates. Sailing under a recognized flag, they confined their ravages strictly to the commerce of an avowed belligerent. They were not common enemies of mankind. Semmes and his sailors were, in a word, pirates under the municipal law of the United States only in the same way and to the same extent that Gen. J. H. Morgan

[1] The case of the *Sumter* subsequently led to a long diplomatic correspondence on the point referred to in the text. In his *Digest* (sec. 1315) Moore says: "Special attention may be directed to the note of Baron Van Zuylen of September 17, 1861, as a singularly forcible and able discussion of the question of asylum." "Mr. Seward, writing to Mr. Pike [our Minister to the Netherlands] on the 17th of October [1861], declared that the *Sumter* 'was, by the laws and express declaration of the United States, a pirate,' and protested against her receiving the treatment of a man-of-war." Moore, *Digest*, VII. 986.

and his troopers when raiding in Ohio and Indiana, immediately after Gettysburg, were, under the same law, bandits.[1]

It is, it is true, well established, and was then notorious, that when the Civil War began the Confederate authorities deliberately proposed to make Great Britain the basis of systematic naval operations directed against the United States. This was distinctly contrary to the principles of international comity, if not law; and yet, incredible as it now seems, the English courts in the case of the *Alexandra* maintained that practically, and subject to certain almost formal legal observances, it was a legitimate branch of British industry! Such an attitude on the part of an English tribunal seems now incredible. Yet it was then gravely assumed,[2] and constituted for us a sound basis for our subsequent demand for indemnity. No neutral nation, of course, has a right under any circumstances to permit itself to be made a naval base for operations against a country with which it is at peace; but its so doing does not transform an otherwise recognized weapon of warfare into a crime against the human race.

Thus, according to my present understanding of what then occurred, no ground appears for criticism of either Earl Russell or Mr. Adams in connection with the abortive negotiation of 1861. Earl Russell, adhering strictly to his policy of neutrality in the American conflict then in progress, was compelled to have recourse at times to what in the eyes of Mr. Adams seemed to be disingenuous evasions; but this was in order to avoid proposed commitments of the character and purport of which the Foreign Secretary had been advised by Lord Lyons. The record reveals nothing to justify a suspicion of Earl Russell's ulterior purposes entertained by Mr. Adams at the time, or which confirms the inferences and conclusions of Mr. Henry Adams since. As to Mr. Adams, he seems to have proceeded throughout with a direct straightforwardness and manifest good faith which at the time impressed Earl Russell with a feeling of confidence

[1] Rhodes, v. 313–316.

[2] "From the ruling of the judge it appeared that the Confederate Government might with ease obtain as many vessels in this country as they pleased without in any manner violating our laws. It may be a great hardship to the Federals that their opponents should be enabled to create a navy in foreign ports, but, like many other hardships entailed on belligerents, it must be submitted to." London *Morning Post*, August 10, 1863.

productive thereafter of most beneficial results. Fully believing in the soundness of the policy proposed,[1] and paying no attention to the freely expressed doubts, fears, and otherwise-minded conclusions of his colleagues and compatriots in Europe at that juncture, somewhat obtrusively thrust upon him,[2] Mr.

[1] *The American Case, Geneva Arbitration*, I. 77.

[2] [A striking example of this distinctly impertinent intrusiveness at that period of the poaching diplomat on the preserves more especially assigned to the supervision of Mr. Adams (see Adams, *Studies, Military and Diplomatic*, 363–367) was in this connection afforded by Gen. James Watson Webb, appointed Minister to Brazil. On his way to his post, by way of London, General Webb had an interview with the British Foreign Secretary. Of what passed in this interview, he at the time gave the following account in a letter to President Lincoln, dated Southampton, August 22, 1861:

"Yesterday I spent at Pembrooke Lodge, with Lord John Russell and . . . we talked for two hours steadily on American affairs. . . . I am opposed *in toto* to the proposition of our Government to agree to a surrender of our right to issue letters of marque, and send forth privateers in time of war; because the time of making it exhibited weakness; because it cannot have the slightest influence upon the pending questions, and because the Senate should and would reject such a treaty, if made; and because I honestly and sincerely believe, that such a treaty would be political ruin to both you and Mr. Seward; and with my friendship for both of you, and a knowledge of the People gained in thirty-four years of editorial life, it would be weak and criminal in me, if I did not frankly say to both of you what I think; and then let the matter rest.

"Therefore I write this unofficial letter to you instead of Seward; with a request, however, that after reading it you will submit it to him for perusal. By that time I shall be on my way to the far South [Brazil]; and if either of you do not like my letter, commit it to the flames. And, in fact, if the subject be not of interest, I shall not complain if you burn it without reading.

"I told Lord John, that when Earl Ellesmere and other English statesmen at Hatchford, just before I went to Paris, said we had *refused* to unite in putting down privateering, I insisted that we never had refused our sanction to the proposition; but on the contrary, cheerfully accepted of it, *conditioned* that the European Powers would make it more philanthropic by rendering all *private* property afloat on the ocean sacred from assault in time of war as well as in peace. Lord John replied, 'You were right; it was we who refused to put down privateering if by so doing all private property became sacred in time of war. England, you know, could not consent to that.' 'Certainly not; and I justify you as an English statesman, in consulting the interests of England by refusing your assent to our rider on your bill. Of what use would be your enormous navy, if in time of war you may not employ it against the commerce of the enemy? But what it is wise and commendable for you to do for the benefit of English interests, it is equally wise in us to do in self-defence. You refuse to respect private property belonging to your enemy in time of war, because it *is not your interest so to do;* and we refuse to put down privateering unless you go a step further, not because we have any especial love for privateering, but because it is necessary for our defence against your enormous navy, which you are compelled to keep up, and which France forces you to augment. Your Lordship knows that it is contrary to the genius of our people and the public sentiment, to keep up a large standing army, or a great naval force in time of peace; and, therefore, as I explained to

Adams carried out his instructions with unquestioning good faith. There is, however, now reason to surmise that he did

Lord Ellesmere and his friends at Hatchford, and to Napoleon at Fontainebleau, we resort to *volunteers* in time of war. You do not object to our volunteers on land, why do you so to our marine volunteers, known as "privateers"? When we call land volunteers into service, we make them subject to our rules and articles of war; and when we call out our naval volunteers, we in like manner render them subordinate to the rules and regulations for the government of the navy. There is no difference between the two arms, except that the naval volunteers — the privateers — are the most *national* of the two. The officers of the land or army volunteers serve under commissions granted by the *State* authority; while in all cases, the officers commanding a privateer (our naval volunteers) are commissioned by the general government. They are, in fact, as much and more a part of the navy, as the volunteer force is a part of the army; and they render unnecessary a large navy in time of peace. War always, more or less, interferes with or altogether suspends commerce; and in time of war we invite our commercial marine to volunteer for naval service, under commissions granted by the Government, and subject to naval regulations, by holding out as an inducement the possession of all the prizes they capture. This, in the event of a war with England and the employment of our immense commercial marine, would soon put us in a position to do as much injury to your commerce as you, with your immense navy, could inflict upon ours. But let us give up the right to employ privateers, or in other words, *our* right to accept of volunteers in our naval service, and the English merchant, instead of finding it his interest to be at peace with us, would have offered him a bounty to urge the Government to war; because, with your superior naval force, you would soon drive us from the ocean and monopolize the commerce of the world.' Lord John laughed very heartily at all this and said, 'but we never asked you to dispense with privateering. The Paris conference made the suggestion, and it was not for *us* to refuse a good thing; besides, we conceded what you had so long demanded, that free ships should make free goods. But did you say all this to the Emperor?' 'Aye, and more. I expressed my astonishment that *he* should have given his assent to a proposition so palpably designed to increase the naval supremacy of England, that *it was clearly of English* origin, no matter who brought it forward.' 'And yet,' said Lord John, 'he *did* assent to it, and is in favor of it.' 'That by no means follows. He had the sagacity to perceive that our people never would assent, and, therefore, it was wise and diplomatic in him not to oppose England in her project. I do not say that such is his view of the subject; but we both know that it would have been wise and diplomatic for him so to have acted; and in so much as he is both wise and diplomatic, his having given his assent to the proposition by no means proves him to be in favor of it. My own opinion is that he would hold us in contempt and never forgive us, if we were to prove untrue to ourselves and give England this great advantage over France as well as ourselves.' Lord John then went on to say, that altogether too much importance has been given to the subject, 'but as your present Government desire it, we will make the treaty, even if, as you say, it is certain to be rejected.' I said, I hoped not, because its rejection would only lead to other complications and discussions. He replied, 'Not a bit of it. I am perfectly willing the treaty should be rejected, because I have long been of opinion that no treaty stipulations would be of any avail. War once commenced, you would only have to call your privateers "the volunteer navy," or some other equally appropriate term, instead of "privateers," change somewhat the regulations with the name, and according to your own argu-

not fully divine the purpose of his chief, being happily on that point less fully and correctly advised than Earl Russell, then Her Majesty's Secretary for Foreign Affairs.

As to Secretary Seward, the policy he at this juncture advocated, both directly and indirectly, as well as his utterances in pursuance thereof, are more difficult to explain. As is apparent from what has already been said, they invite analysis; and, when analyzed, they are provocative of criticism. In considering that attitude and those utterances nearly twenty years ago, Mr. Rhodes, in an extract already quoted, referred to them as indicative of an "infatuation hard to understand." To like effect Mr. Adams, in the entry in his *Diary* already quoted, wrote on receipt of Despatch No. 10, of May 21: "I scarcely know how to understand Mr. Seward." Since then the Welles *Diary* has been published, affording what is to a large extent an inside view of the Lincoln Cabinet movements. So far, however, as Seward is concerned, the enigma remains in largest degree unsolved. It has been suggested that at this juncture the Secretary of State was, like every one else, "groping his way"; or, again, that he, individually, had "lost his head." Amid the sudden uncertainties and grave perplexities which surrounded him, in common with all others, neither supposition is to be dismissed as beyond reasonable consideration; but that he should then seriously and persistently have advocated a general foreign war, or that he should have exerted himself to the utmost through indirections to involve the country in such a war without any understanding reached in advance with his chief and his colleagues, seems incredible. Yet the record apparently establishes such as having been the case. He seems,

ment they would become part of your navy for the time being, and be respected accordingly, by all other Powers. So we will give your administration the treaty they ask for, and they must then settle the matter with your Senate. They may accept or reject it at their pleasure, for it would amount to nothing; but I rather like the manner in which you put to the Emperor the advantage conceded to us by the Paris conference.'"

Webb sent a copy of this letter to Mr. Dayton, who replied, August 26:

"I have read with great care and *interest* your letter to the Prest. a copy of which you enclosed. As it is unofficial, of course you could rightfully send it to *head-quarters* direct, and I am glad you did so.

"*That negotiations* as to Privateering is likely to *break off* after all. Lord John and Mr. Thouvenel want to add an outside declaration at the time of the execution of the Treaty which I will not agree to — nor will Mr. Adams. This is of course altogether confidential, but my impression is, that with *your* letters to Seward &c. it will for the present end the matter." ED.]

in fact, to have been wrong-headed rather than to have "lost his head"; and to have persisted in a path at once devious and erroneous rather than to have been "groping his way."

Dealing with the distinct period of the Civil War between the attack on Fort Sumter and the defeat at Bull Run, it is in justice to every one concerned necessary constantly to recall the fact that it was throughout formative. It was formative as respects foreign relations quite as much as in its domestic bearings. It is in evidence and indisputable that when the Fort Sumter crisis was imminent the Secretary of State urged on the President the expediency of forcing immediately a foreign complication. There is also ground to believe, although on this head the evidence is not absolutely conclusive, that so intent was Seward on at any rate postponing a civil-war outbreak, in the hope that a foreign complication could yet be substituted therefor, that when the Fort Sumter expedition was in course of preparation he caused secret advices thereof to be conveyed to the Confederate authorities, apparently with a view of having the expedition fail without bringing on an irrevocable crisis, or at any rate having the government at Washington appear as the provoker of strife by striking the first blow.[1] This, by any and every device, he sought to postpone. He did not succeed; and the catastrophe occurred. Nevertheless, he seems even then not to have thrown off his delusion as to the possible reconciliatory effect of a foreign complication; and it continued with him until after the catastrophe at Bull Run. Indulging in a belief that Confederate resistance would prove a delusion, and would collapse under the first blow from Washington, he prepared the Despatch No. 10 of May 21. It is not generally understood that in the original draft of this highly aggressive communication Mr. Adams was instructed to confine himself "simply to a delivery of a copy of this paper to the Secretary of State [Russell], and then to break off all official intercourse with the British Government." Further instructions were then given him as to what policy should be pursued "when intercourse shall have been arrested from this cause."[2] As orig-

[1] On this point, see Bancroft, *Seward*, II. 145; letter of Montgomery Blair of May 13, 1873, in Welles, *Lincoln and Seward*, 58, 66; Welles, *Diary*, I. 9, 32; II. 160, 248.

[2] Nicolay and Hay, IV. 271.

inally drawn, the despatch amounted practically to a declaration of war; as such, it will be remembered, it was modified in essential respects by the President only in face of strong opposition on the part of the Secretary.[1]

Even while penning this despatch, Seward moreover put on record an utter misapprehension of his own position, writing to his wife: "A country so largely relying on my poor efforts to save it had refused me the full measure of its confidence, needful to that end. I am a chief reduced to a subordinate position, and surrounded by a guard, to see that I do not do too much for my country." Mr. Bancroft, therefore, in his *Life*,[2] does not apparently go too far when he says that at this time Seward was the "victim of an incomprehensible illusion," adding: "The only theory on which this illusion can be explained, even from his point of view, is that by giving full play to his imagination he was strengthened in the belief that the Union could not be restored unless the 'chief' could get free from his 'subordinate position' and push aside the 'guard' that was preventing him from doing too much for his country, and that all could be accomplished by means of a foreign war, which would put him in control, because it would grow out of questions within the province of his duties."

Whatever his policy may have been, therefore, it would seem that the Secretary of State was practically thwarted in his efforts to carry it out, and reduced into what he himself considered a "subordinate position." In view of what has already been said in this paper, it is hardly necessary to point out that the "guard" referred to in the foregoing extract from Mr. Bancroft's *Life* was Senator Sumner, then alluded to by Mr. Seward as a supernumerary Secretary of State in Washington, according to Mr. Welles "far too frequently consulted on controverted or disputed international questions." [3] The evidence on this head is not, however, confined to Mr. Welles. In a passage from his *Diary* already quoted, it will be remembered that Russell attributes this thwarting of action on the part of Seward largely to the intervention of Senator Sumner. Mr. Sumner was certainly in Washington at the time the Despatch No. 10 was approved by the President "with its teeth drawn," and he went back to

[1] Russell, *My Diary*, July 3, 1861.
[2] *Seward*, II. 173.
[3] Welles, *Lincoln and Seward*, 90, 161, 185.

Boston in so excited a frame of mind that Mr. Dana, whom he shortly afterwards met, wrote to Mr. Adams that he was "so full of denunciations of Mr. Seward that it was suggestive of a heated state of brain." Mr. Dana added: "He cannot talk five minutes without bringing in Mr. Seward, and always in bitter terms of denunciation. His mission is to expose and denounce Mr. Seward; and into that mission he puts all his usual intellectual and moral energy." According to Mr. Sumner, Seward was systematically "pursuing a course of correspondence, language, and manner calculated to bring England and France to coldness, if not to open rupture." [1] Then a mystery, what Mr. Sumner had in mind has now been disclosed. He spoke not altogether unadvisedly.[2]

In that portion of his History relating to this period Mr. Rhodes says: "A fair statement of Northern sentiment by the 4th of July [1861] is that, although most of the rebels would be pardoned by a gracious government, Jefferson Davis and the men captured on board of vessels bearing his letters of marque should be hanged." [3] In other words, during the period under consideration the country as well as Mr. Seward had for the time being abdicated all sanity of judgment. Confident of an early and decisive military success, both the Secretary of State and the community at large were disposing in advance of the spoils and captives. The Secretary was, also, in the way natural to him, arranging a diplomatic program in which scant, if any, consideration was to be shown foreign nations. In other words, he was preparing a theatrical appeal to that spirit of American nationality in the might of which he had such implicit, if somewhat sentimental, faith.

Such then, so far as the evidence warrants conclusions, was the attitude of Mr. Seward, and such the policy he strove to impose. That policy was, it would also appear, based on several

[1] C. F. Adams Mss., Boston, June 4, 1861.

[2] "Mr. Sumner, as the Chairman of the Committee on Foreign Relations, is supposed to be viewed with some jealousy by Mr. Seward, on account of the disposition attributed to him to interfere in diplomatic questions; but if he does so, we shall have no reason to complain, as the Senator is most desirous of keeping the peace between the two countries, and of mollifying any little acerbities and irritations which may at present exist between them." Russell, *Diary*, July 5, 1861.

[3] Vol. III. 429.

propositions almost equally erroneous. First, he quite misapprehended the situation as respected his chieftaincy in the conduct of the administration, and responsibility therefor. Second, he labored under a delusion as to the feeling existing in the community composing the Confederacy. Third, and most dangerous of all, was his deception connected with the question of privateering as a weapon in modern warfare, whether in the hands of the Confederacy as against the Union, or in the hands of the national government as against foreign nations, especially this last. As already more than once pointed out, Seward seems to have really believed that it was but necessary for the United States, as representative of democracy, to raise its hand, to cause, as he himself was wont to express it, "the world to be wrapped in fire."

That it should have been possible for a representative New York politician to indulge in good faith in such a degree of infatuation hitherto has constituted, and will probably long continue to constitute, an historical enigma. That it was in his case a passing delusion is true; as also that in its more publicly dangerous form it did not survive the shock of July 21st. Meanwhile, during the period of obsession, so to speak, the danger of privateering and the use of privateering seem to have been always present to the Secretary's mind. It was privateering, moreover, of the type of fifty years before, — that in vogue in his youth, during the War of 1812. Accordingly, in his despatch of the 21st of May, he wrote to Mr. Adams that "Happily, Her Britannic Majesty's Government can avoid all these difficulties. It invited us in 1856 to accede to the Declaration of Paris, of which body Great Britain was herself a member, abolishing privateering everywhere in all cases and forever." He then suggests a negotiation, saying that Mr. Adams already had authority to propose the accession of the United States to the Paris Declaration, and inviting him to negotiate to that end.[1]

The trouble with Mr. Seward's subsequent position was simple, — it was impossible! He wished to do, and yet not to do. He wanted to commit the insurgents as included in the sovereignty of the United States, but not to commit the United States, in case of hostilities with European powers growing

[1] Nicolay and Hay, IV. 273.

out of the existing complications. He could not bring himself to admit that a blockade conducted under the rules of international law was impossible except as an act of belligerency, and that belligerency implied two parties to it. This necessary and inevitable proposition both of logic and international usage he obstinately refused to admit. In other words, so far as accession to the Declaration of Paris was concerned, Mr. Seward during the period in question seems mentally to have exerted himself to the extent of self-persuasion that the conflict in which the country was engaged was a war so far as the United States was concerned, and a war or not a war so far as the foreign powers were concerned, as the interest of the United States might dictate. Moreover, he confidently maintained it was a war conducted in accordance with established international usage, to which so far as foreign nations were affected there was but a single party, — that party representing absolute sovereignty, while, under some rule vaguely alluded to as in existence, the insurrectionary power was composed not of belligerents but solely of bandits and pirates — outlaws.

That he might possibly have succeeded in this diplomatic *tour de force*, had the United States forces achieved a decisive and brilliant success at Bull Run, is within the range of possibilities. In view of what actually occurred, this possibility is, however, hardly worthy of consideration. It is sufficient here to say that the policy of Mr. Seward during the three months in question, so far as the actual record shows, was based on misapprehension; misapprehension not less of the position he himself occupied than of the situation as it existed both in the Confederacy and in Europe. Moreover, his contentions were quite devoid of any foundation in the accepted principles of international law. Somewhat transparent, the carrying of his scheme into actual operation would almost necessarily have resulted in a practical challenge of foreign nations at once to recognize the Confederacy as a member of the family of nations. It is difficult indeed to see how it could well have failed so to do. Ill-advised, illogical, and contradictory, the diplomatic policy pursued during this brief and early stage of the Civil War constitutes almost as complete an enigma now as it did to Mr. Adams then, or thirty years later to Mr. Rhodes. In many aspects it is, and is likely to remain, im-

possible of satisfactory explanation for the simple reason that it is incomprehensible.

Thus, in the outcome of this inquiry, I find myself back at the point of commencement. As a diplomatic episode, the abortive negotiation over the accession of the United States to the articles of the Declaration of Paris bore a strong family resemblance to the equally abortive though far more disgraceful and calamitous military performance known as the first Manassas advance. Both were ill-considered incidents, in no respect creditable, characteristic of a distinct because a dangerously emotional period in the history of the American people, — that is, the hundred days between Fort Sumter and Bull Run.

Note by the Editor.

Mr. Adams, on p. 30 *supra*, speaks of the letters prepared by Secretary Welles on letters of marque in 1863. The Editor has compiled the following notes on the law which called out those letters. They indicate that the measure was due to Seward, that it was based upon the principles and practice of 1812, that it was intended as a menace to European governments, and that France promptly recognized the intent.

Writing to C. F. Adams, July 12, 1862, Seward instructing him to inform Earl Russell, that "since the *Oreto* and other gunboats are being received by the insurgents from Europe to renew demonstrations on our national commerce, Congress is about to authorize the issue of letters of marque and reprisal, and that if we find it necessary to suppress that piracy, we shall bring privateers into service for that purpose, and, of course, for that purpose only." [1] Upon the same day that this despatch was written a bill on letters of marque was introduced into the Senate. The bill had been drafted by Seward.

The legislative history of the law of March 3, 1863, is briefly as follows. On July 12, 1862, Senator Grimes introduced a bill authorizing the President "whenever war exists or has been declared between the United States and any other nation," to issue to private vessels of the United States, commissions, or letters of marque and general reprisal. The conduct, rights, duties and mode of proceedings, and regulations of letters of marque, their prizes and prize goods, were to conform to and be under the provisions of the act of

[1] *Diplomatic Correspondence*, 1862, 135.

June 26, 1812. In explaining the bill Senator Grimes stated (July 14) that he introduced the measure because there were some ten or twelve iron steamers at Bermuda, Nassau and other points in the vicinity of the West Indies, under the British, but only waiting a favorable moment to raise the Confederate flag. Senator Henderson objected to privateering as likely to embroil us with foreign countries, and believed it better to destroy such Confederate commerce as existed by armed vessels of the United States. The ports of the South were blockaded; so why send out privateers to interfere with a commerce declared not to exist? Senator Grimes agreed in his opposition to privateering, but said he represented the opinions, "as I understand them, of the Administration, who desire to have this power to exercise it, if an emergency arises which in their judgment will justify them in exercising it." Senator Trumbull argued that the measure would be a "recognition" of the rebels. "You might just as well declare war against them." The bill was also opposed by Senator Hale. "The Administration do not wish it so much as to make any formal communication to Congress, as I understand it, in favor of it." Opposition led to no action that session.

It was reintroduced in January, 1863, referred to the Committee on Naval Affairs, and reported back January 20. Senator Trumbull (February 14) said: "It is a measure to be resorted to against a foreign nation. A resort to the issuing of letters of marque and reprisal against rebels and insurrectionists is a thing unheard of in any country before." Senator Sumner asked: "Why, sir, what is a letter of marque? It is a privateer. And what is a privateer? It is a private armed ship, owned by private individuals, cruising at its own will against the commerce of an enemy, and paid by booty." And again on February 17 he asserted: "As there is no foreign war in which we are now engaged, this provision is prospective and minatory, so far as foreign nations are concerned. It is notice to all the world to avoid any question with us, under the penalty of depredations by our privateers. If not a menace, it is very like one. I do not know that it will be so interpreted by those to whom it is addressed; but I am sure that it can do no good; and just in proportion as it is so interpreted, it will be worse than useless. A menace is as ill-timed between nations as between individuals. . . . If the words are introduced as a menace, then are they out of place and irrational. Suppose any such words were introduced into the legislation of Great Britain or France at a moment when they would be interpreted as applicable to us, who can doubt the injurious effect they would have upon public opinion here? A generous, intelligent

people will not bend before menace; nor can any such influence affect its well-considered policy. I think that all history and reason show that such conduct would be more irritating than soothing in its character." [1]

The bill passed, February 17, by a vote of 27 to 9. *Nays*: Davis, Dixon, Henderson, Howard, Lane of Ind., Pomeroy, Sumner, Trumbull, and Wilson of Mo.

Before the House took up the measure, Seward wrote to Dayton, February 20, of its having passed the Senate, and the probability of its passing the House and becoming a law. "It is not unlikely, in that event, that the measure may possibly be misapprehended abroad. Should this prove to be the case at Paris, and explanations in regard to it should be asked of you, or in your judgment be likely to prove useful, you may say that, as the bill stands, the executive government will be left at liberty to put the law in force in its discretion, and that thus far the proper policy in regard to the exercise of that discretion has not engaged the President's attention. If no extreme circumstances shall exist when it may become expedient to put the act in force against the insurgents, every proper effort will be made to prevent surprise on the part of friendly nations, whose commerce and navigation it might be feared would be incidentally and indirectly affected." [2]

The bill was taken up in the House February 21. Mr. Cox: "It is not so much as a measure against rebels in arms. It is in reality a threat to be held *in terrorem* over enemies in any future war with the maritime nations of Europe." After some debate it passed the House March 2, but the vote is not given. It was approved by the President March 3. The evidence shows it was rushed through Congress in the last hours of the session.

March 9, in connection with the destruction of the *Jacob Bell* by the *Florida*, Seward wrote to C. F. Adams: "Congress has conferred upon the President ample power for the execution of the latter measure [letters of marque], and the necessary arrangements for it are now engaging the attention of the proper Departments. It is not without great reluctance that the President is coming to the adoption of that policy. But the preservation of the national life is a supreme necessity; and if there shall be no improvement in the condition of things to which I have adverted, the voice of the nation for the adoption of this last form of maritime war is likely to become unanimous and exacting."

On March 10 the Regulations for carrying the law into effect

[1] Sumner's remarks are printed in *Works*, VII. 278.

[2] *Diplomatic Correspondence*, 1863, I. 644.

were submitted to the Cabinet, having been prepared by the State Department.[1]

March 17, they were discussed, Seward and Chase favoring.[2] Welles was ill for a fortnight after, but on March 31 resumed the consideration of the question.[3] In the meantime Seward wrote (March 24) to C. F. Adams: "You will not give credit to newspaper statements about a decision in no case to employ private armed ships. The President, as you might well imagine, considers — he does not yet decide." [4]

Seward to Adams, April 7. "Applications for letters of marque and reprisal to insure the success of the naval operations against the insurgents are coming in, and the question of the propriety of granting them is fixing the public attention." [5]

Dayton to Seward, April 9, 1863. "Mr. Drouyn de l'Huys, while not questioning our right to issue letters of marque, seemed, I thought, to deprecate it as an act uncalled for under existing circumstances, and calculated to produce troublesome complications." [6]

Seward to Dayton, April 24. "Congress has committed to the President, as a weapon of national defence, the authority to issue letters of marque. We know that it is a weapon that cannot be handled without great danger of annoyance to the neutrals and friendly commercial powers. But even that hazard must be incurred rather than quietly submit to the apprehended greater evil [unrestrained issue of piratical vessels from Europe to destroy our commerce]." [7]

March 20 the Department of State had in print "Instructions" and "Regulations" for "Private Armed Vessels of the United States," a circular of seven pages. "It appears that in April, 1863, a citizen of New York applied for letters, and was invited by Mr. Seward to a conference, which resulted in the submission by the former of certain propositions. These were communicated by Mr. Seward to Mr. Welles, with the statement that, 'in view of a slight improvement of the disposition of the British Government in regard to assisting the fitting out of piratical vessels,' it seemed 'inexpedient to proceed at this moment to the issue of letters of marque.'" [8] No letters appear to have been issued under the law of March, 1863.

Mr. Stanwood read a paper on

[1] Welles, *Diary*. I. 246.
[2] *Ib.*, 247.
[3] *Diary*, I. 250, 252.
[4] *Diplomatic Correspondence*, 1863, I. 155.
[5] *Ib.*, 198.
[6] *Ib.*, 655.
[7] *Ib.*, 662.
[8] Moore, *Digest*, VII. 556.

The Development under the Constitution of the President's Power.

Mr. Bryce, in his wonderful analysis of the American Commonwealth, wrote as follows on the subject of the Executive: "The President has developed a capacity for becoming, in moments of national peril, something like a Roman dictator. He is, in quiet times, no stronger than he was at first, possibly weaker."

The first edition of that great work was published in 1888. I do not think Mr. Bryce could express the same opinion to-day; for my part I do not think it was accurate at the time it was written, although it has become increasingly inaccurate in the last quarter of a century. It is only necessary to consider the share in the government of the first two Presidents and of the last two, to perceive how far the statement is from being correct.

Mr. Gladstone said that our Constitution was the most perfect instrument "ever struck off at a given time from the brain and purpose of man"; and although Professor Channing is right in declaring — apparently criticising the phrase "at a given time" — that it was "the result of the experience of the English race in England and America," yet the whole merit of the framers lies in their ability to consolidate that experience, to select from the lessons of the experience those things which it was wise to retain and those to discard, and to mould all that experience and invention supplied them into an orderly and enduring constitution of government. There is no fact of history more striking than that a plan devised for such a people as were the inhabitants of the thirteen States in 1787 has been adequate, with surprisingly little change, — with no essential change, — for a nation occupying half a continent, gathered from all the countries of the world, and numbering a hundred millions. The whole secret lies in the adaptability of the Constitution. "Commerce with foreign nations and among the several States" is a broad phrase. We know what it meant at the close of the eighteenth century, and we are learning day by day what it means now. Up to date it, as a power vested in Congress, authorizes a law forbidding a railway company whose lines cross a State frontier from employing any of its train-

hands more than a certain number of hours a day. And we have just learned that the power "to establish post-offices and post-roads" covers the right to require newspaper publishers to make known the ownership of their publications, the names of their editors and the extent of their business.

These are but two of a hundred illustrations that might be given of the elasticity that has been discovered in the language of the Constitution. The fact is that the functions of each of the three great divisions of the government have been enormously enlarged. The changes have been made without any actual violation of the words of the Constitution, and they have been made with the acquiescence of the people, and for the most part in response to the popular will. The doctrine of "implied powers" has been immensely serviceable to Congress, — and the power of the Supreme Court, — how far we have travelled from the principles of the Virginia and Kentucky resolutions of 1798 and 1799!

The Constitution confers a variety of powers upon the President and imposes upon him but a single duty, — that "he shall take care that the laws be faithfully executed." Let us classify the powers between those which are so definite that they could be and were exercised to the fullest extent from the beginning, and those where there has been an opportunity for expansion and extension.

1. He is commander-in-chief of the army and navy. Yet no President has ever taken the field in actual command of the forces.

2. He may grant reprieves and pardons.

3. He may summon Congress to meet in extraordinary session.

4. He may make treaties, with the concurrence of two-thirds of the Senate.

5. He may receive ambassadors and foreign ministers. This power is on the border land between the two classes; for under it the Presidents have always, from the beginning of the government, claimed and exercised, in spite of occasionally strong opposition by Congress, the right to decide as to the recognition of foreign governments.

In the other class are the following:

1. The President has the power, in conjunction with the

Senate, to appoint all the principal officers of the government.

2. He may fill vacancies in office that happen during the recess of the Senate.

3. He has a veto power over legislation, which veto may be overruled by Congress.

4. He may give information to Congress and recommend measures for its consideration.

As for three of the four powers last mentioned there has been a great extension of the President's authority as at first understood; as regards the remaining power — the second in the above statement — there has been an unsuccessful effort by a President to extend his power. Let us take them in order.

The power of appointment to office, as conferred in the Constitution, is definite and absolute. But the power to appoint implies a power to remove. Where does that power reside? It may be said with truth that from the time of Washington it has always been conceded absolutely to the President, except during the time of the Tenure-of-Office Act. But that does not tell the whole story. Hamilton held [1] that the right was to be shared by the President and the Senate, equally with the power of appointment. Chancellor Kent, writing during the administration of John Quincy Adams, at a time when there had been no scandalous use of the power by any President, took the contrary view, and held that the right to remove officers properly resided in the President exclusively. Story, writing a few years later, in the administration of Jackson, referred to that President's "extraordinary change of system," and remarked that "Many of the most eminent statesmen in the country have expressed a deliberate opinion that it is utterly indefensible, and that the only sound interpretation of the Constitution is that avowed upon its adoption; that is to say, that the power of removal belongs to the appointing power."

How, then, was it decided in the first place? Almost by accident, and by the casting vote of the Vice-President, John Adams. When the First Congress was organizing the Department of Foreign Affairs, there was contained in the bill a clause providing that the Secretary should appoint a chief clerk who was to discharge the duties of the office "whenever the said

[1] *Federalist*, No. lxxvii.

principal officer shall be removed from office by the President of the United States." The clause was vigorously attacked in the Senate, after having encountered some opposition in the House of Representatives. It practically denied the co-ordinate power of the Senate in the matter of removals. In those times the Senate held no open sessions, and our only authority as to what took place is the racy diary of William Maclay, one of the first senators from Pennsylvania. He insinuates that the "court party" used all its endeavors to prevent the elimination of the clause. The debate was very angry. Some senators are mentioned by name as having "recanted" after having spoken against the clause. When at last the vote was taken on the amendment the result was a tie — ten to ten. Maclay, who had conceived a violent antipathy to Mr. Adams, records: "The Vice-President with joy cried out, 'It is not a vote!' without giving himself time to declare the division of the House and give his vote in order."

That chance division decided the question until the time of Andrew Johnson, and, since the repeal of the Tenure-of-Office Act during Grant's administration, the question has not been raised. The history of the use of the power of removal is interesting, but is too familiar to be entered into at this time. It is sufficient to say that Jackson set the pace for his successors by removing three times as many officers in the first year of his term as had been removed during the forty years that preceded his advent. Thereafter both parties, when in power, practised the "spoils system" shamelessly until the movement for civil service reform became effective. In this particular, then, we see that the original interpretation of the Constitution was changed during the first year of the government, and that the change ultimately led to such scandals and abuses that although the interpretation was not reversed measures have been found and adopted to mitigate the evil.

In connection with the appointing power the President is allowed to fill vacancies that may happen during the recess of the Senate. There has been much discussion as to whether the clause means that he may appoint whenever there is a vacancy existing when the Senate is not in session, or whether the more literal interpretation, that the vacancy may not be filled by him unless it then first occurs, or "happens," should prevail.

It is settled, however, by long practice that an appointment is made and is valid, if there be a vacancy during a recess of the Senate, no matter when it occurred. In 1867 Congress refused to adjourn half an hour before a new Congress was to begin its first session, in order to prevent President Johnson, whom Senator Sumner on that occasion characterized as "a bad man," from making recess appointments in the intervening space of thirty minutes. But in 1903 President Roosevelt gave recess appointments to Mr. Crum as Collector at Charleston, and to 168 army officers, at the head of the list General Leonard Wood, on the ground that there was a "constructive" recess between the close of the extraordinary session at twelve o'clock, noon, December 2, and the beginning of the regular annual session at twelve o'clock, noon, December 2. That is recent history. The right to make such appointments was successfully disputed, and undoubtedly the attempt to drive that wedge into an infinitesimal fraction of a second will never be made again.

The present understanding and exercise of the veto power is vastly different from that which prevailed in the early years under the Constitution, and is likewise vastly different from the intention of those who framed that instrument. It was hardly suggested in the convention, and then by one member only, that there was any other reason for giving the power to the President than to enable him to protect himself against encroachment by Congress upon his constitutional rights. Madison, Hamilton and others were constantly urging the necessity of curbing the legislative branch of the government. They did not fear that a despotism might be established by the Executive, but they did wish to guard against the danger which Madison expressed thus: "The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex." Washington vetoed but two bills, — one, an apportionment bill, on the ground of unconstitutionality, which he was urged to veto by Jefferson not only on that ground but in order to assert a power which the people might come to believe was never to be exercised; and the other because it was ill-drawn and self-contradictory. Neither John Adams nor Jefferson vetoed any bill. In the next sixteen years there were seven vetoes, six of them on constitutional grounds

and one on account of a defect in drafting. John Quincy Adams did not once exercise the power.

There were, then, nine vetoes in all in the first forty years of government under the Constitution. Even Jackson, who came next, returned only nine bills without his approval in eight years. But he introduced the practice of setting up his individual judgment as superior to that of the two Houses of Congress, by claiming the privilege of deciding finally as to the expediency of measures. It is not in official human nature to surrender a right which any predecessor in office has successfully asserted, and since Jackson's time every President has interpreted literally the grant of power: "If he approve, he shall sign it." But it is only in comparatively recent times that the power has been exercised in a wholesale way, for in the twenty-eight years between the end of Jackson's administration and the advent of Andrew Johnson, only thirty-one bills were returned to Congress unsigned. But the next twenty years produced a crop of eighty-four, and President Cleveland broke all records, to use a sporting phrase, by vetoing 346 bills, to say nothing of twelve "pocket" vetoes. Most of them, to be sure, were vetoes of pension bills. President Roosevelt stands second on the list of those who have used the veto power freely, for he returned forty bills during the seven and a half years of his chief magistracy.

Von Holst, referring to a matter that has been often discussed, whether the veto of the President is a legislative power, expresses the opinion that it is not, for the reason that the Constitution declares that "all legislative power herein granted is vested" in Congress. That seems to me a little like begging the question, as it assumes that an inconsistency in the Constitution is impossible and unthinkable. Let us consider it in connection with the other power granted to the President, which has not yet been considered. The Constitution gives this, among the functions which it assigns to the President: "He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

There was not at any time a word of debate on this clause, in the Convention of 1787; the *Federalist* makes no comment

upon it; Kent merely quotes the clause; Story writes at some length in justification of it, but gives no hint of such an expansion of the idea as we find in the practice of our modern Presidents. It is plain to every one that what the framers of the Constitution had in mind was the King's speech in opening Parliament, — a broad statement of the condition of the country and its foreign relations, and a brief mention of subjects which he deems it advisable for Congress to consider. That was the way the earliest Presidents regarded the matter. The addresses of Washington and of John Adams were modelled strictly on the King's speech, and at first they were not much longer or couched in much less general terms. They soon increased in length, and the information contained in them was given in more precise and detailed form. Moreover the recommendations became more definite, and the necessity of measures was more fully and carefully argued. But until recently all such recommendations were general in their nature. Congress was asked to pass acts to accomplish certain ends, but there was no going into details, no statement of specific provisions, no intimation that the act to be passed must be emphatic and explicit on this point or that — or the measure would not be satisfactory and would encounter a veto. All this is to be found in some of the recent executive communications, and is to be found still more in the private communications to members of the two Houses whom our Presidents now summon to the White House to learn the pleasure of the Executive. It requires a familiarity with the Presidents' messages from the beginning to appreciate the difference, but a study of them will reveal what I have indicated. In short, the early Presidents asked Congress to take up and consider certain topics; Congress did or did not heed the suggestions; but when it did consider such subjects it formulated bills satisfactory to itself, and sent them to the President, who approved or disapproved them as seemed to him best. At the present day the President indicates his will as to the terms of important measures, and lets it be known that a departure from those terms will render futile all that Congress may have done.

It seems to me that the change which has taken place has constituted the President in very truth a third branch of the legislature. There are three steps in the enactment of a law:

the initiative, the introduction of the measure; the consideration of amendments; and the final passage. The modern President performs all three of these functions. He proposes measures; he indicates the form they shall take; and if his views are met he signs them, — that is, he passes them. If it be said that Congress need not consider any subject proposed to it by him unless it sees fit, it may be replied that neither can the Senate nor the House of Representatives be forced to take up a matter proposed to it by the other branch unless it is willing. Moreover, as neither branch of the legislature will pass a bill unless its terms are satisfactory, so the President will not agree unless he also is satisfied. The conferences that are now held at the White House when bills are pending in which the President takes a deep interest, correspond closely to the committees of conference between the two authorized branches of the legislative department; and of course the signature of the President corresponds to the final passage of a measure at the other end of Pennsylvania Avenue.

I am aware that the statements I have made and the position taken are highly political in their nature, and there would be no excuse for bringing the subject to the attention of this Society were the change not also an important historical fact. It is as far as possible from my intention to leave the impression that I am making a political argument against it. No one can say that the letter of the Constitution has been in the slightest degree violated. The increase of the President's power has been derived as plausibly from the language of the Constitution as most of the other developments of the last century and a quarter, — more plausibly than some of them, — and, what is vastly more important, it has, like the rest, been accomplished without a protest on the part of Congress that a portion of its power which the Constitution vested exclusively in it has been usurped. It has also been fully acquiesced in by the people. In such circumstances it would be foolish perhaps, futile certainly, to attempt or even to suggest a return to the old system, which was that intended by the fathers. Nevertheless there is room for a wide difference of opinion among students of the history of political institutions whether the change is one altogether harmless to political liberty. But that is a subject on which it would be inappropriate in this place to enter.

Bright–Sumner Letters, 1861–1872.

Mr. Rhodes submitted the following letters from John Bright to Charles Sumner, in continuation of those printed in *Proceedings*, xlv. 148. The originals are in the Sumner Papers in the library of Harvard College.[1]

Private. Rochdale, England, September 6, 1861.

My dear Mr. Sumner, — I have often thought of writing to you during the last few months, but have been afraid to intrude upon you. I have grieved, as you have, over the calamities in which you are now involved, but have felt as though I could say nothing worth your reading, and that the case was one too complicated and too terrible for any stranger to interfere in it.

And now I write only to express the anxiety with which I regard the progress of your revolution; for whether you come to separation or to reunion, the result of what is now passing in your country must be a revolution. Judging from this distance I confess I am unable to see any prospect of reunion through a conquest of the South, and I should grieve to see it thro' any degrading concessions on the part of the North. I confess I am surprised at the difficulties you meet with even in the Border States. It would seem that the separation, in *regard to feeling and interests*, had made a fatal progress before secession was openly proclaimed. For surely if there was a large and preponderating sympathy for the Union in those States, the Northern forces would have great advantages over the South in the conduct of their operations, which they do not now appear to have. It has always seemed to me that the only way ultimately to save the Union, since the election of President Lincoln, was to offer abolition to the Border States on a full compensation, and thus to bind them indissolubly to the North.[2] The Cotton States alone are too weak to form a nation or to resist the overwhelming power of the North. To compensate the Border States and to make them free States would require less money than the cost of the war for one year, and a loan for that purpose could be easily raised in this country. But I suppose that up to the beginning of the war your democratic party would not have listened to such a scheme, and that since that time the Border States themselves could not be negociated with, and that therefore I am writing of what, however good as a project, is wholly impracticable.

[1] The letters written by Richard Cobden to Charles Sumner were printed by Mr. Edward L. Pierce in the *American Historical Review*, ii. 306.

[2] This plan was proposed in Lincoln's message to Congress, March 6, 1862.

I am anxious about the course taken by our Government, having, as you know, no confidence in our Prime Minister, and little in his colleague at the Foreign Office.[1] I think the one capable of any evil, and the other capricious and liable to act from passion or sudden change of purpose, tho' I hope not ill meaning to your country.

You will see they are sending troops to Canada. I cannot make out what this is for. It has been customary for the English Government to move ships and troops whenever and wherever any disturbance is going on ("to be ready for any emergency," and generally to meddle in it). This is the *tradition* of the last two centuries, and Lord Palmerston and Lord Russell are saturated with it. What they do may be no more than this, and I hope it is not; but I wish they would let even that alone. Again I don't place much faith in their minister at Washington.[2] I once saw him, and dined in his company at Rome, and did not form a high opinion of his capacity. He may be well meaning, but he ought to be acute and firm, and thoroughly friendly to your Government, which possibly he is; but I happen to know that some persons here have not been without anxiety as to the manner in which he regards what is passing with you. The *Times* newspaper, as you know, will willingly make mischief if its patrons want mischief; and on your side you have the *New York Herald* doing Southern work when it dares to do it, and stirring up ill-blood with England as the best mode of helping its Southern friends. Public opinion here is in a languid and confused state. The upper and ruling class have some satisfaction, I suspect, in your troubles. They think two nations on your northern continent more easy to deal with than one, and they see, without grief, that democracy may get into trouble, and war, and debt, and taxes, as aristocracy has done for this country.

The middle class wish *abolition* to come out of your contentions, but they are irritated by your foolish Tariff; and having so lately become free traders themselves, of course, they are great purists now, and severely condemn you. In this district we have a good many friends of the South. The men who go South every year to buy Cotton for our spinners, and those among our spinners and merchants, who care little for facts and right, and go just where their interest seems to point. I have not so far seen any considerable manifestation of a disposition to urge our Government to interfere in your affairs, and yet, with some, doubtless, there is a hope that France and England will not permit their cotton manufacture to be

[1] Palmerston and Russell.

[2] Richard Bickerton Pemell, Baron Lyons (1817–1887).

starved out by your contest. There is a great anxiety as to what is coming. Our Mills are just now reducing their working time to four days, and some of them to three days in the week. This is not universal or general, but it is spreading, and will soon become general I cannot doubt. Working half time we can go on till April or May perhaps, but this will cause suffering and discontent, and it is possible pressure may be put upon the Government to take some step supposed likely to bring about a change. I preach the doctrine that the success of the North is our nearest way to a remedy, but there are those who hold a contrary opinion. Lords Palmerston and Russell in public speak in a friendly tone, and I have been disposed to believe in the honest disposition of the latter; but I do not like the moving of troops to Canada, for it indicates some idea of trouble in the future. They may only *fear* it, acting on ancient tradition, and may not *intend* it. Still with our upper class hostility to your country and Government, with the wonderful folly of your Tariff telling against you here, and with the damage arising from the blockade of the Southern ports, you will easily understand that the feeling here is not so thorough and cordial with you as I could wish it to be. At the same time there is a strong feeling of regret at what has happened, and many console themselves with the hope that the great question of the future condition of your four million negroes is about to be solved. I do not see how you can move for Emancipation within your Constitution, or without giving to the South a complete case in favor of their insurrection; but if necessity or the popular feeling should drive you to it, then there will I think be no power in this country able to give any support to the South. Many who cavil at you now say, "if the war was for liberating the slave, then we could see something worth fighting for, and we could sympathize with the North." I cannot urge you to this course; the remedy for slavery would be almost worse than the disease, and yet how can such a disease be got rid of without some desperate remedy?

By the way, I heard a few days ago that there are buyers in Manchester from the South, purchasing largely for export from this to New Orleans. They say the blockade is but in name, and that *during the night* they can get any goods they want into that port, and I suppose into other ports as well. I do not know how this is, but I heard this from a person who is making goods which are commonly shipped to New Orleans, and who spoke most positively on the subject.

I see from a letter from Mr. Edge, the private correspondent of the *Morning Star* (London paper) who is now in Washington, that he is expecting another battle not far from the Capital. I cannot

wish for a battle, but if it takes place, I hope it may lead to some negociation thro' which peace may come. I cannot see how the South with its vast territory is to be subdued, if there be any of that unanimity among its population which is said to exist, and of which there are some proofs. If it *be* subdued, I cannot see in the future a contented section of your great country made up of States now passing thro' the crisis of a civil war, with every ferocious passion excited against the North, and the prospect being so dark, looking thro' the storm of war, I am hoping for something that will enable you to negociate. I have no sympathy with the South, their folly seems to be extreme, and I think their leading men, who have made this insurrection, are traitors to human nature itself. They have sought to overthrow the most free Government and the noblest constitution the world has ever seen, and they wish to decree the perpetual bondage of many millions of human beings. Whatever of evil comes to them from the war, they will have richly deserved it. But I dread the results of the war to the North. Debt, taxes, army, and the corruption which grows inevitably in times when so much of public money is being expended, are fearful things. We have had them, and have them now in this country; I hope they may never grow to so rank a luxuriance in yours.

And now, after writing all this I leave the matter as I found it "All that we know is, nothing can be known." I can give no advice, I can point out no way of escape. The devil of slavery has been cherished, and now threatens to destroy you; if he is to be driven out, as in old time, he will tear and rend you.

Whatever is done and whatsoever comes, I need not tell you that I am for the Government which was founded by your great men of eighty years ago, and that all my sympathies and hopes are with those who are for freedom. If you are ever again one nation I shall rejoice in your greatness; if your Northern States are henceforth to form your nation, I shall still have faith in your greatness, and rejoice in your renown. Clear of the curse which afflicts the South, you will be able, only with a brighter light still, to lead mankind in the path of freedom.

I cannot ask you to write to me, for I can imagine your many labors, and your, may I not say, destroying anxieties. Yet I often think if I could spend one evening with you, or have a letter from you giving me hope of better days, it would afford me an intense pleasure.

I trust in the calmness and moderation of your Government and people, and I will hope in the same high qualities in ours, to prevent any serious estrangement between you and us. I would that every man in England felt with you as I do, and that every man in

your country were convinced that every Englishman was his friend.

As it is I will hope that a wise view of our interests and some regard to the requirements of Christian morality will enable us to maintain an unbroken amity between your nation and ours. If you have a few minutes of leisure at any time, and can tell me anything, I shall be happy to hear from you, and in strict confidence whatever you may be at liberty to say. . . .

JOHN BRIGHT.[1]

Private. ROCHDALE, November 20, 1861.

DEAR MR. SUMNER, — I have to thank you for your letter of the 15th ult., and for the note from Mr. Seward. I wish I could accept the sanguine view of American affairs expressed in that note. I trouble you with this to tell you what is passing here in the public mind.

The notion of getting cotton by interfering with the blockade is abandoned apparently by the simpletons who once entertained it, and it is accepted now as a fixed policy that we are to take no part in your difficulties. So far opinion has improved and the public eye sees more clearly. I think also that I observe a change in regard to the main question, and less confidence in the fortunes of the South, arising from statements published as to their financial difficulties, and the sufferings caused by their exclusion from all foreign trade. At the same time the belief is largely held that their subjugation is barely, if at all, possible, and that a restoration of the Union is not to be looked for.

The *Times* correspondent suggests that your Cabinet is anticipating a compromise after a battle, and a settlement, based, it is presumed, not on reconstruction, but on a permanent separation. This idea, I suspect, can have no solid foundation; but it meets the views of many here, and therefore tends to confirm the opinion that the war should not be prolonged, and ought not to have been begun. I have heard too, but *this is strictly private*, that an opinion not contrary to this, has been expressed by some one connected with your Mission here. I have seen none of them since our Parliament rose in August last, but I have heard what I now state from a person who cannot well be mistaken. Next week I expect to be in London, and shall probably have an opportunity of learning the exact truth on this point. I shall be very glad to know what you think in regard to the possibility of peace on the basis of a secession, all I see

[1] A part of Sumner's reply, dated October 15, is in Pierce, *Memoir and Letters of Charles Sumner*, IV. 48.

and hear from your side forbids me to imagine such a thing to be likely.

I see that Frémont is removed from his command.[1] Judging from the published accounts I should conclude that he is not a man fit for the command he has held. There has been great expenditure — much promise, much time consumed, and apparently nothing done. He is popular with his men, and this is in his favor; but the crisis requires action, and I have seen nothing of this since he took the command in the West. I hope, whether the change is good or bad, the Government will maintain its authority in regard to every military appointment.

Looking on from here, the slavery question does not advance much. The Government wishes to keep within the line of the Constitution, and this is most wise, if there is any available amount of Union opinion in the South, from which they expect to derive assistance. The removal of Frémont will strengthen this opinion if it exists at all — but it will damp the ardour of the abolitionists in the North.

It is unfortunate that nothing is done to change the reckless tone of your *New York Herald;* between it and the *Times* of London there is great mischief done in both countries. On every question it endeavors to serve the South by attacking England. The Mexican expedition is a subject particularly favorable for this line of writing. I condemn the expedition as foolish, and likely to cause many complications; but, if I am not misinformed, it has not been undertaken in opposition to the protests of your Government, or of your minister here. It is one of the great misfortunes caused by the folly and crime of the South that *now* the European powers can resume their ancient practice of interfering on your continent. I hope this practice may be put an end to before long by the restoration of the influence of the Government of the United States.

There are a good many men in this country who have spent half the year generally in New Orleans, buying cotton for our Spinners. They are mostly in favor of the South. One of them, a German, yesterday had a long conversation with one of my brothers on the war. He was strong in his view as to the impossibility of subduing the South, and of restoring the Union, altho' his own individual feeling was against the secession. Another of them, strongly for the South and an Englishman, admitted to me that he was more and more convinced that the slavery question would reach some final settlement before the contest was ended. His interests are entirely in the South where he has I believe considerable property.

[1] The order of removal was dated October 24. Rhodes, *History*, III. 482.

I write all this just to show what is thought and said here. The dinner at the Lord Mayor's has done good, and Mr. Adams's speech has produced a pleasant effect; but I am sorely disgusted that a London Company, the "Fishmongers," should have dined the Southern Commissioners and applauded them when they described *their* country not *yours*, as the "land of the free and the home of the oppressed." Mr. Yancey must have as much impudence as imagination to have said this, and what his auditors were I can hardly trust myself to describe.[1]

Some friends of mine in this Town have invited me to a public dinner on the 4th of December. I intend to take that opportunity for saying something on your great political earthquake, and I need not tell you that I shall not abandon the faith I have in the greatness of the free North.

It has been a misfortune here that so little has been said to instruct the public on the true bearings of your question, for it is incredible almost how densely ignorant even our middle and upper class is with regard to your position. The sympathies of the great body of the people here are, I think, quite right, altho' some papers supposed to be read by them are wrong. I suspect there has been some tampering with a certain accessible portion of the Press.

I am very anxious that your affairs should take some more decided turn before our Parliament meets about the 1st of February. When a mob of 650 men get together, with party objects and little sympathy for you or for the right anywhere, there is no knowing what mischief may come out of foolish and wicked speeches, with a ministry led by such a man as the present Prime Minister of England. However I will hope for the best.

And now if you have leisure to write to me again, tell me what you can. Is any compromise possible or likely on the basis of secession, or of reconstruction?

Is there any ground for believing that your Government relies on any considerable feeling of discontent in the South, or of favor towards the old established order of things?

If you write to Mr. Seward thank him for me for his kind note. Every hour of every day I wish for the success of your country. . . .

JOHN BRIGHT.

ROCHDALE, November 20, 1861.

DEAR MR. SUMNER, — In my letter of this date, I forgot to mention one subject which I think of great importance — your Tariff. A year ago we paid at New York a duty of 24 per cent on goods,

[1] *Proceedings*, XLV. 83*n*.

carpets, shipped from Liverpool; now the duty is close upon 50 per cent, it is 22½ cents or 11½ *d.* per yard on what is sold here at 2 *s.* per yard. The cost of freight, insurance, commission, interest and packing, etc., will add to this at least 25 per cent more, so that goods of this description are sold in the States burdened with 75 per cent of charges over and above those made in the States. The trade is therefore all but destroyed. It is the same with many other articles. This has done immense harm to the friendly feeling which ought to exist here towards you, and it is constantly said, why should we prefer North to South? The North closes its markets against us, and the South would open its ports to us. I daresay if the South were independent it would levy duties and possibly even protective duties; but you do it now, and to an extent destructive of trade with England. I confess I think a more stupid and unpatriotic act was never passed than the Morrill Tariff of a year ago. It could not raise a good revenue, because it destroyed half your trade; it could not but aggravate the quarrel with the South, and it must alienate the good will of England and its great populations; for Lancashire, Yorkshire, the pottery district and Birmingham were all deeply injured by it. France too suffers considerably from the same cause. There is nothing that you can do that would more restore sympathy between England and the States than the repeal of the present monstrous and absurd tariff. It gives all the speakers and writers for the South an extraordinary advantage in this country in their discussion of the American question.

I add this as a postscript to my other letter; consider it as really important, as I truly regard it. . . .[1]

John Bright.

To Joseph Lyman.

Private. Rochdale, January 13, 1862.

Dear Sir, — I am much obliged to you for your long and interesting letter. We have had a great excitement and anxiety on the unfortunate affair of the *Trent*.[2] I hope now we may hear no more of it, and that the discussion it has occasioned may be of use in turning opinion here more in favor of the North in your contest with the South. The question of the blockade is one of great difficulty and some danger. It will be made the ground for some pressure on the governments of France and England to induce them to recognize

[1] Sumner wrote on December 23 and 30, and extracts of his letters are in Pierce, iv. 57, 58.

[2] The letters from Bright to Sumner on the Trent affair are printed in *Proceedings*, xlv. 148–159.

the South and to attempt to get rid of the blockade, even, it may be, at the cost of war with the United States Government. There is, as you doubtless know, no friendly feeling on the part of our ruling class towards your *democratic* government, and no wish to see your republic united and powerful as heretofore. I am therefore anxious that no pretext should be given by your government for any interference from Europe. The more effective the blockade, the more difficult will it be for them to interfere. But the most desirable thing is that you should, if possible, obtain possession of New Orleans and Mobile, so that, as regards those two ports whence the great bulk of cotton is shipped, you might raise the blockade, and establish your own custom receipts, and permit imports and exports freely. New Orleans exports about 2,000,000 of bales, Mobile about 800,000, and Charleston and Savannah about 500,000 bales each. If you had possession of New Orleans and Mobile then, so far as cotton is concerned, there would be no impediment to trade, unless the planters in the interior obstinately adhered to the Secession cause and refused to sell and ship their produce. Savannah and Charleston, I presume, will be more easily occupied; but, if not, the main channels of trade in cotton would be opened if New Orleans and Mobile were free.

I am anxious that the North should be able at an early day to make it difficult, if not impossible, for England and France, or for either of them, to find any decent pretext for interference; for on this depends much of the success of your efforts to restore the Union.

One other thing you may do, if you can prevail upon Maryland, Kentucky and Missouri to agree to it — that is to determine on the legal emancipation of the Slaves. But these Northern Slave States will require a solemn undertaking that *compensation* shall be made them, if they are to become free States. If this were possible, and were done, then you might, as a last weapon, proclaim emancipation, and I do not see how either England or France could interfere on behalf of the South, without involving themselves in the inconsistency and the infamy of fighting to restore and re-establish Slavery where your President and Legislature had abolished it. I do not believe either government would dare to make the attempt, so horrible and shameful would be the crime in the eyes of the world. Your Constitution is opposed to such a course on the part of Congress, but the Constitution surely cannot be worked against itself, and must permit of any temporary departure from it with a view to its own preservation. I write this as a spectator of the great events which are working out on your Continent, but as one as anxious for freedom, and for the preservation and greatness of your nation, as if I were a citizen of Boston or Philadelphia.

When our Parliament meets, about three weeks hence, there will be an attempt to urge the Government to unfriendly acts, and I fear a majority of the two Houses will evince no real sympathy for you, and a section of our Cabinet, I believe, is never to be trusted to take a just and moral view of any question in which the temporary commercial or political interests of this country appear to be involved. The course taken by your President and his Cabinet has shown great courage and great dignity, and will have a good effect here on public opinion.

You refer to India and the prospect of our receiving cotton from thence. The supply is increasing, and the quality is improving; what is wanted is chiefly, means of communication with the ports, means of irrigation for the land, and a more secure tenure for the cultivators, with a moderate assessment to the land tax.

On all these points progress is being made; but the Government moves slowly, and all that India can now do for us will be a very partial relief. I can send you the evidence and report of my Committee of 1848, and any other Parliament Papers you may wish to have, when Parliament meets; but I do not see that you can make any use of them in America. The present scarcity and high price of cotton will stimulate its cultivation in many parts of the world, but I do not think we can for years dispense with the growth of your Southern States.

I had no correspondence with your late friend Mr. Theodore Parker, and therefore have no letters from him that I can send you. When I saw him in London I did not expect his life would so soon terminate.

With many thanks for your very friendly letter, I am very sincerely yours,

John Bright.

To Charles Sumner.

Rochdale, February 27, 1862.

Dear Mr. Sumner, — I have to thank you for your several letters. We are now in smooth water, but I wish to keep you informed of the state of opinion here touching your great question, for everybody talks and thinks of what is doing in America, and we feel as if we were almost as much interested in your conflict as if it was raging in a portion of our own country.

As I told you before would be the case, the settlement of the Trent grievance has had a wonderful effect in calming men's minds. Before our Parliament met there was much talk of interference with the blockade, and much was still said in favor of the South.

All that has passed away. In London all has changed, and it is difficult to find a noisy advocate of the secession theory. The press has become much more moderate, and the great party that was to have driven the Government into hostilities with you is nowhere to be found. Even the hot Mr. Gregory,[1] the Southern advocate in the House of Commons, is very slow at taking any step in the direction of his known sympathies, and has contented himself with a notice that at some time not yet fixed, he will call the attention of the House to the state of the blockade.

He waits for the Blue Book or papers which our Foreign Office is to lay before Parliament before he can proceed, and I am sanguine in the hope that the facts will not justify his proceeding at all. Lord Russell too has said the right thing on more than one occasion in the House of Lords. There is now no disposition to interfere with you, or with the blockade, or to recognize the South, and the whole spirit of our Parliament and press and people is changed, and is no longer apparently hostile to your Government. I have had long conversations with Mr. Adams, and with Mr. Thurlow Weed, and with Mr. Cyrus Field of the Atlantic Telegraph, and I find them all in good spirits with the news from the States, and with the improved state of feeling here. In this country, where there is great embarrassment owing to the high price of cotton, no one utters a word which tends to encourage any *hostile* sentiment towards your Government and generally men are gradually adopting the notion that the restoration of the Union is not an impossible thing.

I observe that you are proposing to spend money in fortifications on your Lake frontier. This I think wholly unnecessary, for war seems to me remote, and in that quarter your superiority is undoubted, and cannot be questioned by any man of ordinary information. If I were in your Congress I should oppose such an expenditure at this moment when so much is required elsewhere. The recent news from your side of the Atlantic leads to the conclusion that your supremacy over the insurgents is every day being more clearly shewn, and altho' military operations are always uncertain, I cannot but hope that the time is very near when every Southern man will see that the attempt to set up a new State and Government must fail. The chief conspirators of course will not yield, but the people must lose confidence in them as they are shewn to be powerless to resist the North. I have seen *Mason* under the gallery of the House of Commons; but, as you may suppose, I have no wish to form an acquaintance with him, and have not spoken to him. I hear however that he is speaking with confidence of the

[1] William Henry Gregory, of Galway County.

success of his friends, and repudiates the idea that the South will ever submit, and return into the Union.

I observe that the slavery question moves very slowly. In Delaware some attempt is being made to liberate the slave, but in Missouri, Kentucky, and Maryland, we do not hear of anything being done, altho' I should think the "Institution" there has received so rude a shock, that slave property cannot now be much worth, and that emancipation with a guaranteed compensation, would be a proposition likely to be welcomed by all thoughtful men in those States.

Mr. Cyrus Field told me that an expedition is being quietly assembled at Key West, I think, for an attack upon the forts which defend New Orleans, between that city and the mouths of the river. The occupation of New Orleans would have a great effect in this country, and I cannot but think would greatly influence opinion throughout the South, for with the ports and the great river in the possession of the Government, a mere internal insurrection could not possibly maintain itself long. I observe your proposition to reduce the insurgent States to Territories, but know not whether you are acting on your individual responsibility or in concert with the President, or as Chairman of your Foreign Relations Committee. It seems to me that even yet, you have many Northern men of influence who are unwilling to go on to an attack on slavery, or who fear that such a course might divide your forces by weakening that unanimity of opinion by means of which only you can hope to succeed. Would it not be possible to have confidential friends of the Government employed amongst the leading men of the States of Missouri, Kentucky and Maryland, and show them what a deliverance it would be for them to make their States free under a moderate and guaranteed compensation, and thus to induce them to initiate the proceedings which would be acceptable to Government and Congress at Washington? It will be a great misfortune for America and for the world, if you pay this frightful penalty for your past toleration of slavery, as your sufferings thro' this war may be called, and yet should in any way terminate the struggle without having in some way terminated, if not the existence, the power and permanence of the monster evil.

I fear to hear of any surrender on the part of the South at present, fearing that men would be so glad to have peace, that they would admit the Slave States again to their fellowship, and that twenty years hence you might find the old disturber still present with you. When the white flag is hoisted from the South and when you come to negociate, then will be the time of real danger, and it may require more statesmanship to make peace, and more firmness, than it has

required to carry on this gigantic war. But I will have faith. I believe a higher power than that of President and Congress watches over the interests of mankind in these great passages of the history of our race, and I will trust that in this supreme hour of your country's being, it will not fail you.

I shall be glad to have a line from you at any time to tell me what is being meditated or done whether as respects the slave question or the operations of your forces by land or sea. I hope we *shall* get something out of the Trent business in favor of a wiser international maritime code. The subject comes on in the House of Commons on the 11th March. Mr. Cobden will speak upon it at length and with great effect I doubt not.

With all good wishes for you, and for your Government and country.

JOHN BRIGHT.

ROCHDALE, July 12, 1862.

DEAR MR. SUMNER, — I have not written to you for many weeks, nor have I had any letter from you since the termination of our anxieties in connexion with the Trent business. I write now to tell you what we are thinking about you. Generally there is an agreement among the public that intervention is impossible, and that mediation cannot be offered in the present position of your contest, and after the unpleasant feelings which have been excited on both sides of the Atlantic. Some attempts have been made to excite our working population on the question, but with very little success hitherto. The last news from your side has created regret among your friends and pleasure among your enemies. I am grieved at it, altho' I have never felt very confident that your success at Richmond was certain; for at that point it was clear that failure to the insurgents must be fatal to their cause. We are waiting with great anxiety for further news from your camp, the latest advices having been confused, but still indicating a disaster to your forces. There is an impression here that your generals have not acted with much harmony, and people think General Pope will do something to improve your position.

General Butler in New Orleans has ruled with the strong arm, and some of his acts have caused unfriendly criticism here. I cannot advise that your policy should be governed by English opinion, but I always wish that everything you do should admit of a fair defence.

I met recently a New Orleans merchant of wealth and good position, not a secessionist. He spoke of the slavery question, and feared your Government was proceeding too fast, if it was thought

to conciliate any Southern opinion. He said the thing the South had to fear in connexion with slavery was that now the rivers are mostly open to your gunboats, you should seize on some large plantation, and divide it into lots of ten acres each, and settle on each of these a negro family, furnishing some of them with arms and expecting them to defend their new possessions if menaced by their former owners. Such a step, he thought, would create a new life among the negroes; the news of it would run from plantation to plantation, and all your negro nation would take sides with the U. S. Government. It seems to me that hitherto you have gained nothing from any danger which the South might reasonably entertain from their slaves, and this I suppose has arisen from the difficulty of taking any strong course whilst your Border States still cling to their evil Institution. To restore the Union, whilst preserving slavery, may be difficult, if not impossible; to preserve unity and harmonious action in the North and in the Border States, whilst assailing slavery more resolutely, may be equally difficult or impossible. I should be sorely puzzled how to act if I were one of you; but the time must come, I suspect, when some more definite course must be taken.

The Charleston business is bad. Nothing should have been attempted there till success was certain; but generals often seek renown at the sacrifice of prudence — and this is probably a case in point.[1]

We have very wet weather, not a really sunny and hot day for many weeks, and our harvest prospects are unfavorable. We shall want large supplies of grain and flour from you, which will tend to keep the peace I hope.

If you can write me a good letter, telling me something of the future, I shall receive it with great pleasure. I do not lose faith in your cause — but I wish I had less reason to feel anxious about you. . . .

John Bright.

Rochdale, July 14, 1862.

Dear Mr. Sumner, — I wrote you a few lines by the boat of Saturday. My object in writing so soon again is to say something on cotton.

You have possession of New Orleans, but no cotton comes. It has been said that this arises from the hostility of the planters to reopen trade, and from their wish to influence England by keeping back their cotton. I hear that "Mason," your predecessor in office,

[1] Rhodes, iv. 244.

tells a different story, and says that cotton cannot come because no trade is permitted except to loyal planters and owners; that not the advocates of the Southern cause, but the regulations of the North and of General Butler, are preventing any shipments of cotton. Now I wish to tell you that I think it of great importance that *some* cotton should come. If 100,000 bales or 200,000 could come, it would greatly alter opinion here with many people. There is a growing difficulty here as you may suppose, and I am sure your true interests would gain much by allowing some cotton to come, altho' the proceeds of it found its way into the pockets of some friends of Jeff. Davis. The English press, or rather the London press, are still predicting your failure. The *Times* says your great financial crash is to come in two months from this, the *Post* thinks it not unlikely that your great army will have to surrender; and these organs create an opinion that you cannot overcome the insurrection; and it is this feeling only, — that you are engaged in a war for an unattainable object, — that withdraws so much sympathy from you, and destroys faith in you.

With opinion thus adversely influenced, there is, of course, more room for working mischief, and for schemes of mediation or intervention.

Mr. Ben Wood's unspoken speech, and his brother, Fernando Wood's democratic meeting in New York, are made much of in the London newspapers; and if our Prime Minister dare go wrong, and thinks it will serve his purpose, no scruples will restrain him. I am sure some of his colleagues are against any step hostile to you, and so long as victory seemed permanently located on your standards, all schemes of mediation or interference were permitted to slumber. If, now, you should meet with some disaster and much delay, there would arise a different temper, and evil might follow. I am anxious therefore that you should, even at some sacrifice, encourage *some* shipments of cotton, and that your New Orleans General should not be allowed to make mischief between your Government and ours by squabbles between him and our Consul. News by the boat just in is almost *nil;* we wait for next accounts with a painful interest. Nothing in public affairs has ever before made me so anxious as your great conflict. I wish it to end well, but I am not anxious about its ending suddenly; for the fate of your "black nation" must now be decided, and I cannot think that God has permitted this fearful war to be waged without a plan for the redemption of the four millions of his creatures whose wrongs and sorrows have hitherto appealed to man in vain.

Whilst I write much may be decided, and what I say may be of no use, I write it as you know in good faith and with the most

earnest hopes and wishes for your good. If you can tell me anything good, or anything which may help me to do anything here for your cause, don't fail to write to me. . . .

JOHN BRIGHT.[1]

LLANDUDNO, NORTH WALES, October 10, 1862.

DEAR MR. SUMNER, — I was very glad to receive your last letter containing much interesting information on the cotton question. I sent it and the letters, or copies of letters it contained to Mr. Cobden. It is quite clear that your Government was right in not sending an expedition to Texas, when it was a question whether it could keep a footing in Virginia.

I write to you from a feeling of anxiety. You will see what is being said here by public men who speak on your question, and most of all, and *worst of all*, by your old acquaintance and friend, Mr. Gladstone. He has made a vile speech at Newcastle, full of insulting pity for the North, and of praise and support for the South. He is unstable as water in some things. He is for union and freedom in Italy, and for disunion and bondage in America. A handful of Italians in prison in Naples, without formal trial, shocked his soul so much that he wrote a pamphlet, and has made many speeches upon it; but he has no word of sympathy or of hope for the four millions of the bondsmen of the South! I have known for months past that he talked of an European remonstrance, or mediation, or recognition, or some mischief of that kind, but I did not expect that he would step out openly as the defender and eulogist of Jeff. Davis and his fellow conspirators against God and man. He *has* spoken, as you will see by the time you receive this, and what he has said will encourage the friends of the South here to encreased exertions to promote something hostile to your Government and people. Palmerston and Russell, I fear, will not need much pressure to induce them to do anything they dare do on behalf of the permanent disruption of your Union.

Now, if I may trouble you again, I want you to write fully and frankly to me, that I may know what is possible and what is likely. If the "proclamation"[2] means anything it means that you will preserve the Union, even tho' it involve a social revolution in the South and the transformation of four millions of slaves into as many laborers and peasants. If you destroy the armed force of the South, still you will have a population deeply exasperated and disloyal, and government in their States must be difficult if not impossible.

[1] See Pierce, IV. 82.

[2] Emancipation Proclamation, September 23. Pierce, IV. 106.

If the black nation can be made a population *for the Union*, then to hold the South may not be impossible; but without them, I see immeasurable difficulties in your path. Is the North prepared for all the hazards, and for all the confusion which for a time such a course may render inevitable; and will the Government be thoroughly supported by all the free States in such a policy? I conclude from the fact that the *New York Herald* has not dared to condemn the proclamation, that it meets with the support of your people. If the border States should not take fright at it, it seems to me calculated to be a powerful lever in future operations against the revolt. On these points we have, as yet, scarcely received any information, and I look for further tidings with great anxiety.

As to the war, I suppose in another month the rivers will be in condition for navigation and that you will have a double power of gun-boats and "plated" ships as compared with your navy of a year ago. With these Charleston, Savannah, Mobile and Vicksburg can hardly be retained by the South, and if they are taken, all chance of receiving arms and other supplies from Europe will be cut off. Then, your new levies will form armies, I suppose much more numerous than those of the South, and the conspirators will find it difficult to keep any overwhelming or very large force in a country bared and desolated as Virginia must now be. The season too is favorable for any movement either by land or sea.

In addition to this you may have black regiments at Beaufort, New Orleans, and on the Mississippi, if you are resolved to use all the weapons in your power; and along the rivers where your gun-boats penetrate you may shake loose all the negro population from their owners and then destroy the whole basis of labor on which the Southern forces rest, and destroy at the same time the "corner-stone" on which their infamous State was to be established. All this is terrible to think of, but not so terrible as the thought of the four millions and their posterity, condemned to a perpetual bondage, should the efforts of the North fail to deliver them.

I talk with men daily, and try to influence opinion in favor of the right; and before long I may have to speak in public on its behalf. I want you to tell me, if you can, what I may hope for, and what I may believe, that I may have my faith corrected or strengthened. Will the North persist? Will it grapple with the slavery devil and strangle it? May I believe that your country will be held together?

I begin to believe that another crop of cotton *from slave labor* will never again be grown on your Northern continent. Terribly as this would make me and mine and multitudes here to suffer, I cannot wish it otherwise.

I am here with my family, where you visited us, but expect to be at home about the end of the month; therefore please to address me *Rochdale* as before. I shall be grateful to you for some reply to this, for I am very anxious for tidings to sustain my faith. . . .

John Bright.

Surely that childish project of removing the black people from America will cease to be talked about. It damages the character of your President and Government.

Private. Rochdale, December 6, 1862.

Dear Mr. Sumner, — I have received your letters with much pleasure. To one part of them I wish particularly to reply. You think England is becoming more and more hostile to you,[1] and this I am not surprised at when I consider some things done and said here, and the shape they must take when seen from your point of view. Yet I can say, I think positively, that England is not *more* hostile; in fact my opinion is that there is much less of open and expressed hostility than there was some time ago. It is true that in Liverpool there is a "Southern Club" and that the *Alabama* was built in and sailed from the Mersey. But our Government admits the violation of international law, and of its own "Foreign Enlistment Act" in the fitting out of that ship, for it actually issued an order for her arrest, which was evaded by the vessel's being, as it were, smuggled out to sea before she was ready, and before she was expected to go. I wrote a strong letter to a friend of mine in the Government, and he replied that Lord Russell was most anxious strictly to enforce the law. I suspect that what you hear of other ships building here for war purposes is much exaggerated. The acts of the captain of the pirate vessel on the high seas have not been of any advantage to the South so far as they have influenced public opinion here.

The anti-slavery sentiment here has been more called forth of late, especially since the Proclamation was issued, and I am confident that every day the supporters of the South among us find themselves in greater difficulty owing to the course taken by your Government in reference to the negro question.

Then there is the French mediation proposition, which, utterly silly as it was, might have led to great mischief, if our Government had been prevailed upon to endorse it. I can assure you that the refusal of Lord Russell to unite with France in that matter has been cordially approved throughout the country, and even by those who, like Mr. Gladstone, believe your undertaking hopeless, and many

[1] Pierce, iv. 108.

of whom doubtless wish that you may ultimately fail in your efforts to restore the Union.

Judging from the tone of our press, and from all I can hear, I think England is not *more* but is, really, *less* hostile than she was some time ago, and the more you seem likely to succeed, the more will your friends and moderate men show themselves, and your enemies be driven into obscurity. To me it seems that mediation or intervention is less likely and less possible than ever, and that recognition will be a thing not even talked about by any sane man, if you once obtain possession of your Atlantic and Gulf ports.

I have always spoken of this as the one thing needful to shut out all idea of European meddling; for with the ports in your possession, the struggle becomes a mere internal temporary confusion and insurrection, and all pretence of recognition, or of mediation *on the basis of separation*, is done away with.

Looking on from here, I can almost imagine that your wisest policy might have been to keep a sufficient force to guard Maryland and Pennsylvania from attack, and to have made the seizure of all the ports your great and first object. This done and the great river cleared, and your gunboats traversing all your rivers, the Southern army in Virginia would have had difficulty in sustaining itself, and would have been more easily dealt with afterwards.

With regard to your elections, I am not much surprised at what has happened, for there must always be dissatisfaction with a want of success, and old party names have great influence, and your party is rather too *moral*, on the whole, for the States wherein are to be found the great *cities*. New York *State*, without the city of New York, is for you; but the city itself is against you, and turned the scale of the whole State in favor of your opponents. I think now the result of your elections has not much influence on opinion here, and people come to the conclusion that the war will go on till something like exhaustion takes place, and then that something will be patched up, and that in the meantime slavery will have received a severe, if not a mortal blow.

The Proclamation, like everything else you have done, has been misrepresented, but it has had a large effect here, and men are looking with great interest to the 1st January, and hoping that the President may be firm. I agree with you entirely as to the absolute necessity of dealing with slavery if you are to succeed in the struggle, and to have peace in future; for the battle is not worth the winning, unless it gives you that future *solidity of peace and order* which is impossible while slavery remains as a political and aggressive power among you.

I am surprised that any of your statesmen should doubt this, and

most of all, as I have heard from various sources in the case, that Mr. Seward should doubt; for he is the author of the phrase "irrepressible conflict," and yet in this inevitable contest he is said to doubt the necessity of grappling with a mortal resolution the foe which seeks to destroy everything he holds dear!

I see what the *Tribune* says about negociations between the Democratic leaders in the North, and the leaders of Secesh. Can there be any truth in this? Surely if anything of the kind should be proved, your Government will know how to deal with treason of this nature. Such a negociation can only mean the selling of the free North to the vile principles and policy of the South.

I see too that *Lee*, the Southern General, is said to have protested against the Proclamation! Doubtless it is an unpleasant measure to him and his employers, but not on that account the less to be adhered to by the North. If the President be firm, I suspect your great work will go on fast, and the weakness of Slavedom will become more apparent every day.

If I were in the place of your Government, I would have a body of negro troops drilled and armed at the chief points on the great river, and at New Orleans, Pensacola, and Beaufort, and wheresoever you obtain a solid footing. A force of 10,000 men at each of these points would do everything for you, and would give such hope to the negroes throughout the South that all idea of a servile war would vanish, and you would secure, in the midst of the conspiracy, one half of the population entirely in your interest.

This country is passing thro' a wonderful crisis, but our people will be kept alive by the contributions of the country. I see that some one in the States has proposed to send something to our aid. If a few cargoes of flour could come, *say* 50,000 *barrels*, as a gift from persons in your Northern States to the Lancashire workingmen, it would have a prodigious effect in your favour here. Our working-class is with you and against the South; but such a token of your good will would cover with confusion all those who talk against you. I wish Mr. Peabody's gift had been in this shape; it would have served a great end in favor of present good feeling and future peace between the two countries.

It is not unlikely that I may have to speak before long to my constituents at Birmingham, but nothing is yet fixed in regard to it. If you can tell me anything, I think your writing to me will not be in vain. I speak to many persons on American affairs and influence some. I can imagine something of your anxieties at Washington, and wish your Government and people may have wisdom and firmness in this great crisis of your history. . . .

John Bright.

ROCHDALE, January 30, 1863.

DEAR MR. SUMNER, — I write you a hasty note in consequence of the renewed attempt of the Emperor of the French to bring about some negociation with the South. I cannot find out whether our Government has anything to do with the matter or not. I think it has not, and I have recently seen a friend of mine who ought to know.

I wish you to tell me in what way this proposition is received by your Government and your people, and what is thought of the Emperor's letter to one of his generals in which he partly justifies his invasion of Mexico as a means of preventing that Country from falling into the hands of the United States. I suspect this letter will not make peace counsels more acceptable with you. There is so much talk of armistice, and negociation, and peace, that we are sorely puzzled what to look for — and I am very anxious on *public* and *private* grounds to have some information as to the probable future.

If you can spare me half an hour, just write me what is likely or possible.

You will see what meetings are being held here in favor of your emancipation policy, and of the North in general.[1] I think in every town in the Kingdom a public meeting would go by an overwhelming majority in favor of President Lincoln and of the North. I hope what is doing may have an effect on our Cabinet and on the Parliament which meets on Thursday next the 5th February. I am grieved to see the animosities and divisions among your political parties in the North. It is a bad sign, and must tend to weaken the Government and to give spirit and hope to the insurrection.

Jeff. Davis's recent speeches do not give me the idea that he is very confident. He is furious and abusive in his language, and speaks like a man with a losing cause.

The Galveston affair is discreditable to somebody, and it surprises me that, altho' you have so many armies in the field, the insurgents seem always to meet them with an almost equal force. Their whole white population must surely be drafted off to the war.

It seems to me very important to keep Tennessee, and to clear the great river by possessing Vicksburg and Port Hudson, and I dare say all is being done that can be done. It is sad to feel an interest in operations so destructive of life and so terrible in every way. I am going to Liverpool tomorrow to see Mr. Dudley, the U. S. Consul, to get some facts about the *Alabama*, about which we shall have some talk in the House very soon.

[1] Rhodes, IV. 350 *et seq.*

Excuse my troubling you. I received your last letters with much pleasure.

With best wishes for you and your great cause. . . .

John Bright.

Our Southern newspapers are surprised and puzzled at the expression of opinion in favor of the North.

P. S. Is it possible that Slidell & Co. have got the Emperor to urge some negociation for peace to let the South down easily? In their extremity this may be the case.

I am led to ask this because I am unable in any other way to explain the course of the Emperor. Either this or his morbid craving to be doing something to "distinguish himself" may account for what he is doing.

January 31, 1863.

Rochdale, April 4, 1863.

Dear Mr. Sumner, — Mr. Cobden sent me your last letter to him.[1] I am very uneasy at the irritation which arises from the building of the pirate ships in this Country.

Some meetings will be held to condemn the conduct of the builders, and of the Government, but the House of Commons is not disposed to say anything in the matter.

The Government is supported nearly as much by the Tory party as by the Liberals, and there is little chance at present of any change. Palmerston, I am convinced, is no friend of your country, and his cold or hostile neutrality is well liked by the great aristocratic party and class of which he is the chief. Lord Russell speaks fairly, but he is feeble, and no reliance is to be placed on our Foreign Office.

I can only hope that your progress will be so evident between now and June, as to show the utter uselessness of any efforts here to help the conspiracy.

If you can get possession of your great river, opinion here will act strongly in your favor; and if you take Charleston, of which I have doubts, you will put an end to the business of the blockade-runners, and liberate some of your navy. All depends on your success in your military operations, for your success will ruin all chances of the South in this country. Even now the *loan* is at a discount, and I shall not be surprised to see it become almost unsaleable. The public are not in its favor, and every day I look for it becoming less and less liked.

The debate on the *Alabama* was badly managed and told against us. It should only have taken place after careful preparation. I

[1] Pierce, iv. 129.

had not made any arrangement for it and spoke only that I might not leave our friend Forster without any support. The speeches of the Solicitor General and Palmerston were untrue and altogether bad in tone. You will see a report of a meeting of the Trades Unionists of London at which I presided. It was a great meeting and means much; for those present were the choice men of the London workmen and artisan class. I endeavored in my speech to widen your great question and to show its transcendent importance to labor all over the world. The speeches of the workmen were logical and good, and I am sure the effect of the meeting must be great.[1]

We are waiting, with anxiety, for news from Vicksburg. You know much now that we wish to know. I can only hope the news when it comes, may be such as we wish. Some people think they discern signs of the collapse of the conspiracy, but I think the slavery question is hardly sufficiently advanced to permit the war to close. I am surprised and alarmed at a recent article in the *Tribune*, saying that if the insurgent States were now to lay down their arms, there is no power in the Proclamation or in the Government to save the negroes in those States from continued bondage.

It is assumed that each State will still retain its power to continue slavery, and that the Proclamation will be forgotten, and have no force. But surely, if a black man is now a *citizen* of your country, and if the negro is freed by the Proclamation, it cannot be in the power of any State to make slaves, within the limits of your free nation, of men once free. Can any State make slaves of white men? If not, then why of black men? The *Tribune* seems to me to be backing out of its principles, and out of all the arguments on which it asked for the Proclamation. If, after all, slavery is to be sacred in the South, why carry on the war and why hope for the Union, to be again the great security of Slavery?

I hope the President will remain firm against the letters of marque, so long as peace is preserved. They will do no good and only tend to war. I was sorry your fight against the bill was in vain. . . .

JOHN BRIGHT.

ROCHDALE, April 24, 1863.

DEAR MR. SUMNER, — There seems mischief brewing between your Government and ours.

You are justly irritated about the "pirate" ships, and efforts are made here to create anger about the seizure of vessels from England to Matamoras. The fact, too, of Commodore Wilkes being active

[1] Rhodes, IV. 353. The meeting was held March 26.

in these seizures, is made a ground for special suspicion that international law is purposely disregarded on your side.[1]

I hope the course taken by our Government in respect to the ship *Alexandra* now in Liverpool, will do something to calm the feelings of your people. So far as I can learn our Government is in earnest in the prosecution begun against the persons concerned in the building and equipment of this ship, and I believe they will act at once in any other case where evidence can be obtained. As regards the *Peterhof*, I do not doubt that your Courts will hear fairly and decide without bias. One of her owners has told me that she was honestly bound for Matamoras, and that she was not legally liable to seizure. Irritation is inevitable from the legal and necessary conduct of your war vessels, but the greatest care should be taken to use their powers, even their legal powers, with the greatest moderation. Whether a ship more or less breaks the blockade is of no real importance to you or to us; but whether you should be interfered with in your efforts to suppress the Southern insurrection by a war with England, is of an importance to you and us that words cannot describe.

With the jealousy which exists here with regard to all you do and with the evident wish to damage you on the part of a powerful party here, I can only hope that your Government will keep strictly within known and acknowledged law, and thus baffle its enemies whether at home or abroad.

Mr. Roebuck is of small importance here. His vanity is so overpowering that anything which gives him notoriety seems to his mind of more value than the peace of the world. To Russia — to France — to the United States he is, in turn, equally offensive; but he does not represent England, or any considerable number of Englishmen, and therefore his language may be passed by as that of a man not governed by reason or conscience. Mr. Cobden will speak this evening in the House, and I am not without hope that the discussion may be useful. I am prevented being present owing to a domestic event which yesterday added to my already numerous family.

[1] The *Peterhof*. See *Diplomatic Correspondence*, 1863, 178. Wilkes was reported to have "publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers, or other passengers, belonging to the so-called Confederate States." Secretary Welles wrote to Wilkes, trusting there had been some misapprehension on the subject, or if he had so threatened, that he would "take no steps towards carrying it out, or which would lead to an unpleasant discussion between the Government of the United States and that of Great Britain." Wilkes denied that he had made any such threat. *Ib.* 465, 467, 502.

The news from your side gives me some anxiety. Our last tidings from Charleston tell us that the first attack has not been successful — perhaps the next report may be better. What a terrible evil the pride and passion of that small city have been in your country! And what a penalty it has paid and is paying for its crimes!

Mr. Adams is much assailed here, but I cannot understand the ground of it. Lord Russell does not, I think, mean ill, but he is not strong enough for difficult times. . . .

JOHN BRIGHT.

Private. LONDON, May 2, 1863.[1]

DEAR MR. SUMNER, — I have your several letters, and have read them with a deep interest. I see all the danger to which you point, but which to our people is not so apparent as to yours.

Here the Southern advocates are a considerable party, noisy and active, and they are in possession of a large portion of the London press. The people too are not informed on the legal difference between selling arms and equipping war ships, and as they know that great quantities of arms have been sold to the North, they argue that it must be equally lawful to sell arms or ships to the South. And Mr. Seward and Mr. Adams have lent some support to this view in complaining of the sale of arms to the Conspiracy as if it were an offense in magnitude equal to that of furnishing ships of war. Since the South were admitted as belligerents, in respect of the sale of arms, you have been treated as two nations equal in the sight of our Government, and one as much in their favor as the other.

You have imagined that our sympathy with the U. S. Government should have given it an advantage in this matter over the concern at Richmond; but it has not been so. The love of gain, and the sympathy for the South openly expressed by our papers, and almost universally felt by our richer classes, have entirely prevented this. But with regard to ships, we have an express enactment, and that has clearly been broken; but our people confound the two things, and therefore with us, generally, there has not been so much sense of danger as with you. Here, there has been attempted to be made a grievance out of the seizure of the *Peterhof*, and the opening of letter bags; but two days ago our Government learned that the bags were to be forwarded to their destination unopened.

I am told that the decisions of our judges in past times would

[1] May 6 in copy left at Rochdale.

have justified you in opening the mails; but it is far wiser for you to keep *within* the powers formerly insisted on by this country, and to maintain your character as a nation disposed to a lenient interpretation of the laws touching belligerent rights.

With regard to the ships, I believe Lord Russell is really sorry that the case of the *Alabama* occurred, and that he is now anxious to prevent further mischief. The debate to which you refer was unfortunate, and the speeches of Palmerston and Palmer were wicked. I am satisfied that they were opposed in *tone* to the Foreign Minister's intention, and I have reason to believe that he was dissatisfied and has remonstrated against it. The subsequent debate on Friday last was a different affair, and the Prime Minister and his Solicitor General were as mild and decent as we could wish them to be. I hear too from the best sources, that no more ships will be allowed to go out, if any fair ground can be shown for interfering with them. The speech of Mr. Cobden was excellent last Friday, and opinion this week is moderate, and without excitement. This bad old man, who for our many sins is permitted to rule over us, is a demagogue of the very worst order. He gives in to the passion of the hour, and to gain the applause of the least conscientious and moral of the people, he bears himself insolently to almost every nation by turns. I once described him as the "Feargus O'Connor" of the middle classes, said Feargus being some twenty years ago the great mischief-maker among our working-classes, and a man wholly without principle or honour.

I hope when you hear of the change here, you will experience a like change with you. If your Government will go on with a calm and dignified moderation, I think there is a power here to prevent any wanton mischief on this side, and our Foreign Minister, notwithstanding those dispatches to which you refer, and which, to my mind, are a mixture of feebleness and spite, does not really intend evil, and would not, I think, regret to see your forces triumphant, and your Union restored. One of our Bishops, some years ago, sitting next to me at dinner, and pointing to Lord Russell on the opposite side of the table remarked, "that is the smallest great man that I have known;" and there is much in this, for with many good sentiments, and with so much of good sympathies as is possible with so cold a nature, there is about him a certain feebleness and changeableness which are remarkable. He writes petty and irritating dispatches to Lord Lyons or Mr. Seward, whether from some temporary infirmity of temper, or from a wish to seem to go with the prevailing opinion of his order, I am not able to decide. But there is good in him and I am not sure that if we change him we shall get a better man in his place.

With regard to the resolution, a copy of which you sent me, I approve entirely of it, and indeed I think the effect of nearly every meeting held here has been in accordance with it. But really there is no voice raised now in favor of recognition or intervention in any shape and the danger is not such as to require any special action to guard against it. I believe so long as the war continues our Government will remain spectators of the conflict. Lord Russell is not in favor of war in partnership with Louis Napoleon; he withdrew from it in Mexico, and refuses to go into it, or to run even a risk of it, with Russia, in the case of Poland, and I believe he will steadfastly oppose any scheme of interfering with you. Your fate seems to depend on yourselves, on your armies and fleets, and on the pressure under which the conspirators are suffering. Mr. Cobden and I discuss your affairs incessantly and with an interest as complete as if we were members of your Senate. I am going this evening with the Trades Unionists' deputation to present their address to the President to your Minister here. Thank you for your letters. . . .

JOHN BRIGHT.

LONDON, May 15, 1863.

DEAR MR. SUMNER, — The son of a widow living at Birmingham which Town I represent in Parliament, finds himself in trouble at San Francisco. His family wish me to do what I can in his favor; he may be only a foolish young man who has thoughtlessly and ignorantly brought himself into trouble.[1]

I write to his family to say that *hanging* is not much the custom of your Government, and that I will write to an influential person in America who may perhaps be able to save him from any severe punishment. Is it too much for me to ask you to procure his liberation on condition that he shall at once return to England? I think your Government might do this for him without harm to anybody, and I shall feel grateful to them if they can set him free. I enclose a letter from his brother which will inform you of the case more particularly. In bringing this matter before you, I assume that there is no *special* guilt in the young man's conduct.

[1] "Alfred Rubery from the evidence is one of the principals in the *Chapman* affair. Correspondence with sympathizers in victory was conducted by him. He is in confinement at Alcatraz Island. The case is in the hands of the U. S. district attorney. No facts have been elicited showing him to be an object of Executive clemency. The feeling here is strong against all such actions." *Brigadier General George Wright to Secretary Stanton*, June 1, 1863. The schooner *J. M. Chapman* was seized in San Francisco harbor March 15, suspected of being intended to prey upon the commerce of the Pacific coast. *Official War Records*, Series I, L. vol. I. Part ii, 357, 449; Series II, v. 726.

Pray excuse me for giving you the trouble to interfere on his behalf.

Everything here is very quiet as to American affairs. There has been much mischief done; I only hope we may see no more of it. We are very anxious as to what has before this taken place in Virginia, and hope that present boldness may be more successful than past caution and timidity have been. Along the course of the great river, events seem much more favorable, and I hope they may continue so. I hear from the best authority that our Foreign Minister is "going better" in regard to your struggle, and one of his colleagues is expressing a strong opinion that your cause is making a decided progress. Many thanks to you for the copy of your Debates. . . .

John Bright.

Rochdale, June 14, 1863.

Dear Mr. Sumner, — You will have seen in our papers, or in yours, that an anti-slavery conference of ministers of religion was held in Manchester on the 3d of June, and that an address to Ministers of all Christian Denominations in the United States was then adopted. I believe this address has been signed by more than 4000 ministers. It was determined that the Address should be conveyed to America by a deputation appointed by the conference, and Dr. Massie[1] and Mr. J. H. Rylance were chosen to proceed to the United States on this honorable service. Dr. Massie has long been a minister in the Congregational and Independent Church, and Mr. Rylance is a minister in the Established Church of St. Paul's, Westminster. Mr. Rylance sailed on the *City of New York* on the 10th of this month, and Dr. Massie is expected to sail in the *City of Baltimore* on the 17th inst.

These gentlemen wished to take with them some letters of introduction and I give them this to you being assured that their mission will give you great pleasure, and believing that it will tend to strengthen a most holy cause, with which, thro' all time, your name will be inseparably connected. I hope their visit will not only be of service in the cause of freedom, but also in the cause of peace. . . .

John Bright.

London, June 27, 1863.

Dear Mr. Sumner, — I am indebted to you for your care in the case of the young Englishman about whom I wrote to you. His family have not heard from him for six weeks past, and suppose

[1] James William Massie (1799–1869). See *Dict. of National Biography*, xxxvii. 7.

that his letters are not forwarded. I hope that he may be treated with some leniency, seeing how little severity has been shown to the many "traitors" with whom your Government has had to deal, and I can hardly suppose that any public interest can suffer from sending him off to England. He must be wonderfully stupid to have engaged in any conspiracy, and yet I hear that he is sharp and clever, and was educated at the London University. He seems to be intimate with a family of the name of Parker, of Katonah, Chester County, New York, as a Miss Emily J. Parker has written to me about him, evidently strongly interested in his fate. If opportunity offers I will thank you to keep a little watch over the case.

This morning we have the news of another invasion of Maryland and Pennsylvania, and know not to what it may lead. It causes me great anxiety. Roebuck brings on a motion on Tuesday, the 30th for the "recognition" of the South. I had hoped that before that day news might have reached us of the fall of Vicksburg, in which case, I believe, the proposition would not have been made.

Now it will be made and discussed, and there are some men in the House whose voice will be very unfriendly to your country. The Government are opposed to the motion, and doubtless will oppose it, but there is no reliance to be placed on Palmerston. He may speak apparently in opposition to it, and yet in a manner unjust and injurious to the North. Just now, however, he is ill from gout, and has not been out, I think, since Tuesday. Possibly he may not be in the House on Tuesday next; and if so, the debate will probably be postponed. The bad news, or the appearance of it this morning, will tend to stimulate the friends of the South here.

The *Alexandra* case has failed, owing chiefly to the ruling of the Judge.[1] He is about 80 years old, and should have retired ten years ago. Many think his ruling will be overruled when the case is again argued. If not, the Foreign Enlistment Act is of no value to prevent any amount of naval assistance being given to the South.

I am to dine this evening with Mr. Adams to meet Mr. Evarts and others.[2] I am disappointed that we shall have nothing to congratulate each other upon. The impression here is that your Government is incapable, that it lacks two essential qualities, *foresight* and *force*.

With such vast operations, you need a large reserve force to meet accidents. Wherever you turn, you are met with an equal force to

[1] Sir Frederick Pollock.

[2] "We had a small company to dinner, consisting of Mr. Evarts, Mr. Girard, Mr. Bright and Sir George Young. Much to my amusement they sat until nearly midnight at table." Charles Francis Adams, MS. Diary.

that you have, and till this is changed any great success seems improbable. It is thought here that Hooker is inferior in force to Lee, and this may lead to desperate reverses. I can only hope that your faith and mine in the final issue may be well founded, but I sometimes ask myself whether the crime against the African will not entail a penalty far greater than we have calculated upon.

Mr. Conway [1] has made a great blunder here. He did not advise with me. Had I known his lack of judgment and of his foolish correspondence, I should not have presided at the meeting at which he spoke. I hear that his fault arose from conversation with some literary men — Tennyson and Browning, and I am not sure if Mr. Hughes and Bishop Colenso were not of the party. They thought it would be a great thing to get an admission from Mason that, *even for independence itself, the South would not give up slavery.* So, Mr. Conway, like a child, writes to Mason offering separation for abolition! It has done no harm here, but I fear it will do harm with you, in allowing the *Herald* and such as he, to attack the Abolition party as anxious to sell the country for abolition. Mr. Conway is willing to be a sacrifice to his own folly, and is very sorry for the mistake he has made. I am very sorry too, for it has caused him much suffering. Miss Martineau has been greatly excited about it, and so has Richard D. Webb of Dublin. I have tried to calm things, and to show that an individual blunder will not much affect the great cause.

Among the Americans here, friends of the North, there is great want of confidence in your Cabinet at Washington, and I cannot but feel that great losses of men, and means, and long delays, and apparent mismanagement, must have the effect of creating a disgust with the war or a disgust with those who are responsible for its failures.

I hope another boat may bring us better news and that this season may bring some considerable success to your cause.

I am leaving London next week, and my address will be *Rochdale* until the meeting of Parliament again, I hope not before February next. Thank you for the books — my American literature is becoming quite extensive. Believe me alway . . .

John Bright.

Rochdale, July 31, 1863.

Dear Mr. Sumner, — I need not tell you with what feelings of gratification and relief I have received the news of your recent suc-

[1] Moncure D. Conway. The incident is described in C. F. Adams, *Studies, Military and Diplomatic*, 369.

cesses. The debate on the foolish "Roebuck" proposition took place when there was much gloom over your prospects, and the friends of "Secesh" here were rejoicing in the belief that your last hour had come.[1] How soon are the clouds cleared away and how great is now the despondency of those who have dishonored themselves by their hatred of your people and Government!

The loan is down near 20 per cent in little more than a week, and is now, I suspect, unsaleable, and people are rubbing their eyes and wondering where the invincible South is gone to. Our pro-slavery newspapers are desperately puzzled, and the whole mass of opinion is in confusion.

We look for the early capture of Charleston, and suppose that Mobile must soon follow. There will then only remain the rebel capital which, of itself, notwithstanding Mr. Gladstone, will hardly make a nation.

But now will come your difficulties of statesmanship. You may succeed in the war, and the "Copperheads" may fail in their base attempts to weaken the Government, but the great question remains, how to manage the slave question, and how to reorganize the Governments of the restored or Southern States? I have been trying to settle something in my own mind about this, and the difficulty only encreases as I attempt to measure it. I begin by accepting the Proclamation as a fact not to be undone or reversed. From the letter of the President to the Louisiana planters, I gather that he wishes or expects that State to amend its constitution before it returns to the Union, and I suppose this means that it should deal with the slavery question.[2]

This has occurred to me: when the rebel armies are dispersed it will be necessary for the Government to announce some policy. Would it be possible to declare, that, in accordance with the Proclamation, slavery was legally at an end, and that anything in the Constitutions or laws of the States which legalized and enacted slavery must be repealed and abolished to give them a right to their ancient position in the Republic? Unless something definite and resolute is done, you may have the States repealing their ordinances of secession and assuming their old position in the nation, and electing members to Congress, etc., and then beginning a fight with the central Government in the Supreme Court as to the legality of the Proclamation and insisting on the retention of slavery. The Government would be powerless under such circumstances, all the

[1] *Annual Register*, 1863, 126. Pierce, IV. 142.

[2] Letter to E. E. Malhiot and others, June 19, 1863. *Abraham Lincoln. Complete Works* (Nicolay and Hay), II. 356.

base pro-Slavery party in the North would unite with the South and possibly your next Presidential election may be made to turn on this vital question, and your whole nation may be dishonored forever by the repudiation of the Proclamation which the existing Administration has failed to sustain.

At present you can maintain a military rule in each conquered State; this is natural and legal. Such a rule will be distasteful to the population, and you will wish to put an end to it — the terms will be discussed. Can the Government declare the Proclamation an unalterable decree, and that any State which places itself in harmony with it shall immediately be restored to national fellowship, with its ancient rights and freedom? As to compensation in the rebel States, the Government gives none, leaving the States to deal with that question if they see fit. I think it will be necessary to act with great determination, or there will be a desperate effort to get from under the Proclamation. The question of the status of the negro, or his education, etc., will be full of difficulty, for the Government may be unable to deal with it, without the States, and the States may throw many obstacles in the way.

There will be the question of the debt to arrange. Not a farthing of the Southern debt should be taken by the general Government. If the rebel States are willing to pay it, besides their portion of the national debt, well and good, but I suspect repudiation will be their policy.

Our session is over — my address is at *Rochdale* now and for some months I hope. I am going to Scotland for a month for exercise and refreshment. . . .

John Bright.

Private. Rochdale, September 11, 1863.

Dear Mr. Sumner, — Your last letter[1] conveys to me very much of what my last conveyed to you on the subject of the re-admission of the now slave States into the Union, and I am greatly pleased to learn that there is a probability that Florida will take the "pledge" of abolition and ask to come back as a free State. Speaking to an American a few days ago, (Mr. Osborne, chairman of the Illinois Central Railroad,) I told him that his countrymen had humiliated themselves before slavery out of idolatry of the Union, and I warned him not to add infamy to their former humiliation by remitting men to slavery whom the Proclamation had freed, out of the same worship of the Union. The Union is only good and great, when a Union of freedom, and any compromise which gives up the

[1] Pierce, iv. 143.

Proclamation will be the most deplorable event in history; it will be a curse on your reputation which no time can remove. It is, too, wholly unnecessary and inexpedient; for when Union can be had with it, it may be had six months later without it.

You will hear by this mail that the ironclad steam rams are detained by the Government. I believe there is no doubt of this. I supposed the changed position of your affairs has helped our Foreign Office to the decision they have come to! Lord Russell has just made a short speech at Dundee, and he has said nothing foolish, which shows that there is an opening of the eyes among our statesmen as to the prospects of your war.

It would be curious to have a speech from Gladstone now. Perhaps *he* is beginning to doubt whether Jeff. Davis has made a nation. There is much cleverness mixed with little wisdom or much folly in some men, and our Chancellor seems to be one of them. I think I shall make a selection from the writings of the *Times* and the speeches of our public men, and publish them, — that their ignorance and folly may not be forgotten.[1] There are still men in England so ignorant as to believe in the South, and who will buy their loan at a discount of 30 per cent, but it cannot go above that point. Possibly some people rely on the French Emperor, and the talked of treaty between him and Jeff. Davis. It is too late for a Treaty now; Jeff. has nothing to offer, his "national" pretensions are as badly off in the market as his paper dollars are, and I do not think the concern in Paris will strike hands with the concern at Richmond.

I have been reading the account of the capture of the ironclad steamer *Atlanta* off Savannah. Your 15-inch guns throwing a shot of four hundred and forty pounds have no equal in the world, and I suspect that no large ocean-going ironclad ship could stand for an hour before one of your monitors. These new vessels armed with the 15-inch guns are perfect for defence, and I hope they may be used only for defence, and be unable to cross the ocean; so England and America may be unable to assail each other.

Can you say anything about cotton? If the great river is open, surely something should come down. We want it sadly here.

I suppose Mobile will be taken, and that by the Alabama River your forces will penetrate northward. When the Richmond Government consists only of Lee's army it will be in danger.

There is a telegram here that Davis is calling out 500,000 negroes,

[1] This was never done by Bright, but in 1865 appeared *The Times on the American War. A Historical Study.* By L. S., well known at the time to be Leslie Stephen. It is reviewed in the *Nation*, October 19, 1865.

and arming them, promising them freedom and fifty acres of land each when the war is over. Is he firing the magazine?

I hope now all chance of evil with us is over. Our press is being converted, our Government will be civil, and our Secessionists will become ashamed of themselves. You must quarrel with nobody while the rebellion continues, and hereafter forgiveness will be nobler than revenge. . . .

JOHN BRIGHT.

ROCHDALE, November 20, 1863.

DEAR MR. SUMNER, — I see from your papers that the prisoners taken on board the *Chapman* at San Francisco have been tried and found guilty; but nothing is said of the sentence passed upon them. If you can hear anything of the youth *Rubery*, and if you can do anything for him, I shall be glad if you will not forget him.

I have nothing new to say from this side. Neutrality is agreed upon by all, and I hope a more fair or friendly neutrality than we have seen during the past two years. There are still heard some voices against you, for there is a wonderful ignorance here in all classes on everything American, but I can see and feel all around me that another tone prevails and that the confident predictions as to your failure are uttered much less frequently even by the most rash of your opponents.

The *Alexandra* case is again on in our Court of Exchequer, and I can form no positive opinion as to the result. The Judge is Tory, very old, eighty years of age, obstinate, without being of the highest class of mind, and he may keep the Court to his former wrong course. If the decision is again adverse, it may force the Government to ask Parliament for an amendment of the law, which I think Parliament would grant without difficulty; but some persons think otherwise.

The slaveholders' loan falls still; it is now at 32 discount, £90 stock having fallen to 58. You feel confident doubtless that it is not worth one farthing? At this moment I see that it has fallen still lower, to 56½, which is not encouraging for the friends of the rebels.

I read a letter lately written by General Banks to a friend in America. He speaks most favorably of the change from slavery to freedom in Louisiana and says that State could be brought into the Union with *Freedom* by the vote of its people, in a month from the date of his letter, about September 9, I think. I hope this is true, but, if true, why is not something done in the matter?

Your next election for President is near. To me it seems that Mr. Lincoln must be your best candidate, and will carry more votes

than Mr. Chase, or any of your generals. He is not so entirely identified with abolitionists *as a party* as Mr. Chase is, and will receive the support of the large and moderate and quiet section which is important among every people. You must have no division in your ranks — that would be fatal to every interest of the Country; and if Mr. Chase is wishful to be President, he may have it in 1867 probably, if he wisely guides your finance department till the war is over. It is remarkable that in this country, all parties have a high respect for Mr. Lincoln — so much does a real integrity gain upon the minds of all men.

I am anxious to hear what is doing between Grant and Bragg. If Grant succeeds, the contest will be evidently tending towards its close. Tomorrow's news may be of great importance. Richmond seems on the way to famine, and I can hardly see how the insurgents can maintain large armies so far North throughout the winter.

Mr. Cobden comes to Rochdale to address his constituents on Tuesday next, the 24th inst. I dare say he will say something about international law. I do not intend to say much about America, but shall consider your question in safe hands; that is in the hands of the people of the United States — where I am willing to leave it.[1]

I send this to Washington where you will be about the time the *Scotia* will reach New York. . . .

JOHN BRIGHT.

ROCHDALE, December 15, 1863.

DEAR MR. SUMNER, — The inclosed letter relates to the case of a boy of seventeen years old, the son of one of my former constituents in Manchester, who is now in your army, at Hilton Head, I believe.

Can you undertake to obtain his discharge? He is young, of delicate health, and his parents are in deep grief at his conduct and absence from them.

I think Mr. Stanton will be able to spare so young a boy, if you apply to him.

There is nothing new here. All parties are tolerably quiet now on your question, and some persons are becoming more cautious. I shall be curious to see the tone of our Parliament when it meets some six weeks hence. There will be more respect shown to you than in the last session.

We are looking daily for the President's message, and for some plan on which you can have reconstruction without slavery. We had a great meeting in this town, three weeks ago, when Mr. Cobden spoke

[1] Pierce, IV. 171.

out well on the slavery question. The meeting seemed unanimously with us.

Excuse my troubling you with this case — I have rejected many applications to write on behalf of Englishmen in the States, as you may well suppose. . . .

John Bright.

The boy Richardson was here in the employ of Mr. T. B. Potter, Chairman of the Union and Emancipation Society of Manchester.

P. S. I have with me now Mr. Rubery, the brother of the unfortunate young Englishman who has been convicted of treason at San Francisco. He has a recent letter from him saying that he is in a cell or room about ten feet by five feet, which is miserable enough, but that his diet is not to be complained of. His Mother is suffering fearfully from the circumstances of her son. J. B.

Rochdale, January 22, 1864.

Dear Mr. Sumner, — Your letter of the 15th December gave me much pleasure. I am greatly obliged to you for the trouble you have taken in the affair of Rubery. His poor Mother has written to me to express her gratitude for what has been done for her son. It is a curious fact that her daughter, who has been for some months sinking into a condition of insanity, aggravated by the knowledge of her brother's offence and dangerous position, has been apparently quite restored to reason and to health by the receipt of the news of his pardon and of his probable early return home. I have heard that in the announcement of the pardon a reference was made to the part I have taken in the matter; if that is so I should like to have a copy of the document if one can easily be obtained. I have looked thro' the *Tribune*, but have not found it. May I ask you to convey to the President my warmest thanks for the leniency he has shown to Rubery, and for the consideration he has shown for my representations on his behalf? I have not heard the subject spoken of in any society in England where it has not produced a kindly feeling towards the President and towards the Government of the United States.

There is little excitement here now on your affairs. For the moment men's eyes are turned to Denmark and Germany, and there is peril of war. Fortunately the Governments of Europe know not where war may leave them, and they seem more anxious for peace than in former times.

On your great question opinion seems to settle in or towards the belief that you can and will restore the Union; but great difficulties

are anticipated, and some are still unconvinced. For myself I think I see a gradual weakening of the rebellion, and that the outside States of Secessiondom adhere less closely to the conspiracy than heretofore. This winter will surely decide the question. Each side will do its utmost to restore and encrease its forces, and the spring or summer will see movements of great consequence. Much will depend on Grant and the army under his command, for I doubt the wisdom or the possibility of striking a fatal blow in Virginia, owing to the advantages which the formation of the country affords to the defending force. I am amazed at the conduct of the governor of New York State;[1] anything more foolish or more base has never been exhibited by a man holding a high position in face of the perils which beset his country. I suppose his policy is a measure of the corruption which slavery has bred in the great commercial city of New York, and when you have restored the South to freedom, you will not less have delivered the metropolis of your country.

I expect to speak in Birmingham on Tuesday next — not on America; but I may say something on your "Homestead Act" in connexion with the "land question" in England.

My colleague Mr. [William] Scholefield is for the South, unhappily. Why, I cannot make out, but his course is not approved by the constituency as far as I can judge. . . .

JOHN BRIGHT.

LONDON, February 18, 1864.

DEAR MR. SUMNER, — I thank you for your good offices in the case of the boy Richardson, and I beg you will tell Mr. Stanton how much I appreciate his most friendly act. The father of the boy wrote me a letter full of gratitude for the discharge of his son.

You think if more vigor had been shewn in some quarters the war might have been over by this time. Possibly, but I am not sure your great enemy slavery would have been so nearly destroyed. I had a call a few days ago from a Southern gentleman who has been in Bragg's army. His name is Yeatman, his wife is a Northerner, and has recently been on a visit with Mrs. Lincoln. He told me that in the South the evil and delusion of slavery were being found out, and many were now ready to admit that their old opinions upon that subject were entirely wrong. I suspect this would not have happened if the war had ended before this.

There seems some activity among the rebel troops, but I hope with no important result adverse to your cause. Still there may be

[1] Horatio Seymour. See Rhodes, *History*, IV. 325; Morley, *Life of Richard Cobden*, 606.

yet a desperate struggle for the coming season; but if you advance as much in 1864 as you did in 1863, the end must be near before this year is out.

I do not know that our Government could now deny the belligerent rights of the rebels, after having once conceded them. I suspect there is no precedent for such a course. If you should get possession of Mobile, and Wilmington, and Charleston, then they would have no pretence for belligerent rights at sea, and I think our Government might be urged to refuse any shelter in our ports for the rebel pirate ships.

You will have noticed the tone taken by our Attorney General and Lord Palmerston a few days ago in speaking of your prize courts and your dealing with international law. Nothing could be more friendly; it was all I could wish for.

But what a miserable thing to see our friendliness and our justice depending on your strength! When you seemed weak and staggering under the weight of the insurrection, Prime Minister and his law officer combined to insult you. When you are strong and the revolt is staggering under your blows, they speak gently and pay you compliments. This statesmanship is a very low morality, and I despise it from my heart.

Mr. Cobden's conflict with the *Times* has given great pleasure. The ruffians who write it will be a little more careful for a time.[1]

We do not expect war on the Denmark question. France stands aloof and England cannot make war alone on the continent of Europe; she has no men for a land force to cope with any one of the great Powers. I hope she may never have an ally in Europe to tempt her into war.

Our session is as quiet as yours, and we expect nothing till the general election next year, unless our octogenarian Minister gives up before then. He is gouty and not quite well now, and the cold weather keeps him at home for a day or two.

Will your war end this year in its great features? Can anybody tell when it will end? . . .

John Bright.

Rochdale, September 2, 1864.

Dear Mr. Sumner, — It is long since I have heard from you and I am hungry for some more definite information than I can get from the newspapers. They give us full details of the strife and the carnage in the field, but do not tell us what to *expect* from the contest for the Presidential election. I suppose you do not associate yourself with

[1] Issued as a pamphlet, *Mr. Cobden and The "Times,"* Manchester, 1864.

any party opposed to Mr. Lincoln, and yet that you wish he was a little more firm and clear in some things. With us, I think nearly all the friends of the North are most anxious that Mr. Lincoln should be elected again; they think any change must be for the worse, and that it would infuse new faith into the minds of the Secessionists both North and South. I am strongly of this opinion. It seems to me that the Proclamation of freedom, and the recent announcement "to all whom it may concern" in reply to the absurd propositions from certain rebels at the Falls, ought to content all anti-Slavery men, and should make it impossible for them to incur the risk of electing a nominee of the Chicago convention.[1] To elect Mr. Lincoln will be to tell Europe that the country is to be restored and slavery is to be destroyed, and it will say the same thing to the Southern people.

The rebel cause seems now to be seated on two points as it were — Atlanta and Richmond; but if only Atlanta should fall, and if Mobile should be taken, I think the peace and slavery party in the North would be demolished, and the success of Mr. Lincoln and of the Union party would be secured. Here, there is always great interest in your contest. The newspapers are less violent in their opposition to you, always excepting the avowed partisans of the Slave cause, and men speak with less confidence in favor of the South.

At the same time there is great uncertainty of opinion. It fluctuates with the varying news from week to week, and men become puzzled with the long continued strife. For myself I am rendered unhappy very often by your disasters, and all my efforts to harden myself against the anxiety which oppresses me are unsuccessful.

Professor Goldwin Smith of Oxford is now about landing in your country; he sailed a fortnight ago in the *Europa*. He is a great friend of the North and of freedom, and is a man you will delight to meet and to know if you are not already acquainted with him.[2]

I have been reading Horace Greeley's *History of the Conflict*. I think his narrative of the Slavery conflict before the war is admirable, and as I have read it, I have seen more and more clearly how inevitable was the final struggle.

Forgive my troubling you, but I want to hear what is coming, or what you think is coming. You may not be able to *lift* the veil, but possibly you may think you see something of what is covered by it. Therefore write to me in some leisure half hour, if you have such leisure. . . .

JOHN BRIGHT.

[1] Rhodes, IV. 513.

[2] See *Proceedings*, XLIV. 3.

Rochdale, September 3, 1864.

Dear Mr. Sumner, — There is a desire here among the friends of the Freedmen to send a ship-load of goods for their benefit. The Committee managing the affair is in Birmingham, and are among my Constituents. They have written to ask me to write to the United States to ascertain if your Government will remit the import duties on the articles they are about to send. I have undertaken to write to you, in the hope that you will make the needful application to the Department, and help them to obtain this aid to their benevolent efforts.

I think it likely the Committee will apply to Mr. Fessenden on the same subject. If you can forward their views I am sure you will have pleasure in doing so.

I cannot yet give the name of the ship — it is possible our Government may furnish a ship for the voyage; but this is not certain.

We have all the rumours of peace negotiations, and of armistice. Surely there can never be any admission of the *right* of secession, or any undertaking of the Southern debt, or any restoration of Slavery?

I read your military news by the *Persia* this morning as favorable, and hope it may turn out to be so.

I wrote to you yesterday by the same mail as this letter will go by. I shall be glad to hear from you. . . .

John Bright.

Rochdale, January 26, 1865.

Dear Mr. Sumner, — I am glad to see your handwriting again and I thank you for your good wishes and for the expression of your sympathy.

Our dear boy died in the house in which you saw us at Llandudno, and after only three days of illness. The trial has been and is heavy upon us.

The Wilmington business has a strange look of childishness and absurdity — after more than three years of war, one would have thought such a blunder impossible. I am sorry for Butler. He came out at the first from his party, and he has been so much hated by all your enemies that I have always rather liked him. I can give no opinion on the Louisiana question, but console myself in the belief that what is best, or what is possible will be done. I think you need not trouble yourself about England. At this moment opinion seems to have undergone a complete change, and our people and indeed our Government is more moderately disposed than I have ever

before known it to be. I hear from a member of the Government that it is believed that the feeling between our Cabinet and the Washington Government has been steadily improving.

Lord Russell is capricious in his thoughts and sayings and writings and actions, and hence you have expressions which are not intended to do mischief, but which really do mischief. I sometimes suspect he says things he would rather not say that he may not *appear* to take sides with the North. The *Star* assumes that *culpable* negligence against our Government cannot be proved, and that therefore your claims cannot be supported — for it would be absurd to suppose that, after our laws had been *evaded* in spite of *proper efforts* to prevent it, we should be called upon to compensate you for the damage done by a ship which had sailed from an English port. The whole matter depends on the intention, or rather on the "culpable" negligence shewn by our Government.

I have seen Goldwin Smith since his return, and I have read your article. It is clear to me that he has not quite fairly interpreted your meaning. I hope you will find a suitable successor to Mr. Dayton; there was a quiet good sense and dignity in his manner that pleased me very much. Mr. Adams has done well here — everybody here says so, and I think his return home, which I hear is soon intended, will be generally regretted. He is calm and thoughtful, never in a passion and never in a panic, and he has seen much here to have excited a man of a less governed temper. You ask do we mean war? We seem never to have been so far from it, or from wishing it — all men are against anything that may create difficulty with you. I mean all but the *avowed* and *virulent* Secesh party which does not include many Englishmen here.

Opinion now is becoming unanimous that the South cannot win, and by and by all will wish the rebels would at once submit, for the difficulty of business is fearful so long as your war lasts, and losses in many branches of trade have been and are great.

I enclose a letter which may be worth your reading. The writer of it need not be publicly named. I can give no opinion on the point on which he writes.

If you *can tell me anything of the chances of peace* or of the future, let me hear from you. Mr. Cobden has been ill but is better, but will not be at the opening of Parliament. . . .

JOHN BRIGHT.

Confidential. 14 HANOVER ST., LONDON, February 17, 1865.

DEAR MR. SUMNER, — I am disposed to write to you on two points. There seems still to be an idea in America that somebody in Europe

intends to meddle in your contest. I suppose the rebels invent the story and credulous people believe it. With us such a notion is unknown. *All parties and classes* here are resolved on a strict neutrality, and I believe there is an honest intention that no *further* cause of irritation or quarrel shall come from this side. The French Emperor says nothing about you in his speech — absolutely nothing; and I believe he intends to do nothing. In fact any other course would be akin to madness, and certainly this Government will give no countenance to anything which may provoke war between you and any state in Europe. So far on this point. I may say further that when a very obtuse man, Sir Jno. Walsh, spoke to the House of Commons last Friday night, about your notices to put an end to treaties, his words fell on the ears of an unsympathizing audience.[1] The tone of Parliament is wholly changed, and men begin to be ashamed of what has been said and done during the last four years. For my part I think you are quite *right* about having more force on the Lakes, and *wrong* about the reciprocity Treaty; but this last you will find out in time.[2]

The other point is as to peace. I cannot see the wisdom of these pretended negociations with the Richmond conspirators; they can, I think, lead to nothing good. The time is not yet come, and when it is come "negociations" will be needless.

There seems almost nothing to discuss except the personal fate or safety of the leaders in the great crime. The question of *Union* cannot be discussed — Mr. Lincoln can offer no terms on that, but those he has from the first offered. The question of *Slavery* is equally closed, for the amendment of your Constitution effectually disposes of it, and all States in or hereafter to be in the Union must obey this new clause. There remain the questions of *confiscation* of property, and the fate of the guilty leaders of the rebellion, and *here* the sympathizers with rebeldom say there is another question — the arrangement about the rebel debts.

With regard to *confiscation* of property not already seized and sold, you can be generous as you like, and in all things you will be far more generous than any other Country or Government would be in like circumstances. As to the leaders, the true interests of the whole Union would be best consulted by their exile, for I cannot think it would be wise to have them again in your Congress after the calamities they have caused, and the crimes they have committed. Per-

[1] He represented Radnor County, Wales.

[2] The treaty with Great Britain, extending the right of fishing and regulating commerce and navigation between the United States and the British possessions in North America, proclaimed September 11, 1854, was terminated by notice on the part of the United States, March 17, 1866.

haps they would sink into privacy and obscurity if left in their own land, but this is not sure, and I am certain that common justice demands that their heavy guilt should not be passed over. As to the rebel debt it is scarcely conceivable that the North would take upon itself the main portion of a debt contracted to cause its own destruction. As well ask a man who is well nigh ruined from a burglary committed upon his house, to defray the travelling expenses and the cost of crowbars of the gang who have attacked him.

When the South is willing to negociate, it is because the war is no longer possible to its leaders; when war is no longer possible, then such negociations are needless. There is a great danger by these meetings with "Commissioners" who have really no commission, that you will paralyze your military operations, and slacken all your efforts to fill up your ranks, and you may possibly revive that great compromise party which voted for McClellan at the late election.

It is probably presumptuous in me thus to remark on what is passing amongst you, but my anxiety must be my excuse. To me, looking from this distance I should say that after so great sacrifices, it would be weakness now and *evil for the future*, not to make your conquest over the spirit of secession and slavery complete. If I were to write down a plan of what should be done, I should put it somewhat in this form.

1. *Slavery* extirpated wholly and at once throughout the Union and without compensation in any shape.

2. *Amnesty to all* except a dozen or a score of those who most promoted and have guided the course of the rebellion.

3. *Lands* already seized and sold to remain with their present possessors. In other cases a *large generosity and mercy* will be most wise.

4. *The Leaders* if they remain in the country to be shut out from all offices in the Union or in any State, or to spend their lives in foreign lands.

5. *All debts* contracted by the Conspiracy to be utterly void, whether contracted in the Southern States or in any foreign country.

The "Secesh" people here say that in any settlement, the Southern debts will be undertaken by the U. S. Government, and on this impossible idea when the news of Mr. Seward having gone to meet Stephens was received here the Cotton Loan actually rose 4 or 5 per cent!

My opinion is that it is the duty of your Government and the interest of all your people, that nothing should be done or conceded that lessens the idea of the CRIME which the slaveholders have committed. You may have plots and conspiracies hereafter, and possible

attempts at Secession or War, and surely, if the leaders of this rebellion are received into the bosom of the State, and if the sums they have expended in the effort to destroy the Government and the Country are repaid to them by that Government and that Country, there will be held out to future aspirants for "independence" no small encouragement and support. The more complete your conquest of the slaveholding oligarchy and its leaders at Richmond — the better for the future of the whole country and the less you concede to them on all points but those of life and property, the less will you be likely hereafter to be troubled with a repetition of their crime. If the Richmond leaders have any offers to make, I would hear them, but I would not exhibit myself as wishful to make them offers which are not wise under the circumstances of the case, and which they are probably not yet sufficiently humbled to be ready to accept.

Josephus says of the chiefs who defended Jerusalem against Titus that they were "incapable of repentance." I suspect this is true of Davis and the worst of his following, and it is to this perhaps that the world will owe the destruction of Slavery on your Continent. Your Government and people have been firm in the conduct of the war; the world is astonished at your firmness, and hereafter it will admire and praise; I only hope it may not have to regret that any weakness was shewn in the winding up of the great drama. I am for mercy and for generosity to the Southern people, but it is not merciful to them or to the Northern people that the character and the results of the crime of the Southern leaders should be forgotten.

Spare me half an hour or less, and tell me what is doing or *is likely to be done*. I am very anxious as you may suppose, and I want some one to lift the veil of the future even tho' it be but a little.

Mr. Cobden is better in health, but our weather is too severe for him to come up to Parliament at present.

I am afraid I have written too much. . . .

John Bright.

Forgive me if I have said too much, or spoken unadvisedly and presumptuously. I feel I cannot see all the difficulties of the situation, and perhaps should be silent.[1]

Rochdale, April 14, 1865.

Dear Mr. Sumner, — I ought to have written to you ten days ago — but I have been so much disturbed by the sad loss I have sustained, that I have felt unable to write. You will learn probably to-day that our friend Mr. Cobden is taken from us, and you will

[1] Pierce, iv. 229.

know something of the loss which every good cause has suffered from his death. To-morrow it will be five weeks since I paid him a visit at Midhurst, to spend Sunday with him. We had a most pleasant day, and took a stroll on his land in the middle of the day. He was pretty well, tho' looking rather thin and older than when I saw him last.

Our conversation was much on America, and on the Canadian defenses question, and he was never more cheerful and intelligent and pleasant than on this occasion. I did not expect he would attempt to come up to Parliament before Easter, and was greatly surprised to receive a note from him on the 21st March saying that he would be in London on the evening of that day, and asking me to call upon him. Sunday, Monday, and Tuesday, the 19th, 20th and 21st were days of unusual cold and the east wind swept with bitter severity over London. I called upon him on Wednesday the 22d at noon, and found him in bed. He was taken ill immediately on reaching his lodgings the previous evening, and had passed a disturbed night; but when I saw him he was better, and quite cheerful conversing with his usual freedom, and intending to be up during the afternoon. He did get up and dined with his wife and daughter at five o'clock, but immediately after dinner he was again ill from another attack of asthma, and more seriously than before. He had medical aid and continued ill from day to day. I called on Saturday, but did not see him. He was ordered to be kept very quiet and not to talk. I left town till the Thursday following, hearing from his daughter once in the interval. I was very anxious and on my return went at once to see him. The account was more favorable, but I did not believe it. Nobody seemed to believe in his danger but myself. On Saturday evening I was at his house but did not see him. I was there again at midnight, and at eight in the morning, when he was quite unconscious, as he continued to the end — he died at fifteen minutes after eleven o'clock on Sunday morning the 2d of this month.

This has been a sad shock to me; the sorrow excited over all the country is something extraordinary and unequalled. All men now acknowledge his public services and his personal virtues, and he is placed in the highest rank among the honorable names of the departed. He came up to town during that severe weather for the express purpose of taking part in the debate on the "Canada defenses" question, and it is greatly to be deplored that his views were not stated in Parliament. The funeral was a memorable time. You will see in the newspapers more than I can write; for myself it seemed as if half my life were buried with him in that grave. How many who

have watched your great conflict with intense interest have not been permitted to see its close![1]

I cannot write as I could wish. I am unnerved by this sad event, and I write as if I were years older during the past fortnight.

We are anxiously looking for further news from you. The crisis has come — or may indeed be past. Everything in business here seems at a stand till something decisive and final is heard from New York. In your last letter you said you would write next to Mr. Cobden. How dark the future is to us!

If you can tell me anything don't fail to write to me. Is it possible to do anything in the matter on which Mr. Goldwin Smith has written the enclosed letter? . . .

John Bright.

London, March 18, 1865.

Dear Mr. Sumner, — Mr. Chas. Cheetham, a friend and neighbor of mine, and the Rev. Marmaduke Miller of Darlington are about to visit the States. They have been active friends of the North during your recent troubles and Mr. Miller has lectured effectively in your cause. Their visit is one partly for health and partly for observation. They will probably wish to see the Hospitals, and the establishments for the Freedmen.

If you can forward their object in obtaining permission to see what it may be useful for them to see, I shall feel obliged to you. . . .

John Bright.[2]

Private. Rochdale, May 16, 1865.

Dear Mr. Sumner, — I thank you for your interesting letters of April 18th and 24th, and I hasten to write to you upon one passage in that of the 24th, in which you say "Public opinion insists upon executions," and that at least one of your leading statesmen thinks "there must be three or four in each State." I can hardly tell you the anxiety this announcement has given me. If you had lost a great battle I could hardly have felt more pain. I am against capital punishments, and believe them to be barbarous and needless; but I will not argue the question on this ground.

In considering the case of the leading Rebels, as respects the punishment to be inflicted on them, the question of slavery must be omitted from it. That the war was made in support of that chief of all iniquities does not affect their position in the eye of the law.

[1] Pierce, iv. 239, 241.

[2] A letter, dated April 29, 1865, on the assassination of the President, is in Pierce, iv. 240. It was answered by Sumner, May 16. *Ib.* 243.

It adds to their moral guilt, but not to their legal offense. Slavery was a legal institution in your country, established in certain States, and permitted by your Constitution, and therefore an attachment to it cannot by your law be reckoned a crime. We must consider the case of the rebel leaders entirely apart from our hatred of the cause for which they have made war.

The insurrection has been of great magnitude and has become a first-class war. It has been regarded as a war by your Government and people, and by all foreign nations. During its continuance, you have treated with the generals and with the *agents* of the Richmond Government, tho' you may say you have never directly treated with that Government itself.

Mr. Lincoln and Mr. Seward met eminent members or agents of that Government at Fortress Monroe with a view to arrange a peace, and your generals have accepted the surrender of armies and their commanders on terms, not applicable to the case of traitors and rebels, so much as to that of enemies in what is termed legal and honorable war. You have conquered, and the opponents of your Government are at your feet, and the question arises, what shall you do with them?

I admit that the traitors merit any punishment which it can be shewn to be to the *advantage* and *honor* of the country to inflict.

You cannot punish the whole Southern people, and a selection must be made. You will choose the most eminent among them, who have been their leaders, and the most guilty. Members of the Richmond Government and commanders of armies are obviously the most eminent, and having most influence, have been most guilty. They number, probably, a score of men, perhaps double that number, perhaps fifty in all. From these how can you make a selection? and can you hang them all? Can you hold a "bloody assize" in every Southern State and put to death the leading men in each State? I think not. The whole proceeding would shock your own country and would astonish and disgust the world. It is bad enough for Austria or Russia to hang or shoot those who rebel, but it would be intolerable under your institutions, — intolerable because clearly unnecessary.

Take Davis and Lee for special examples. It would be impossible to exempt them and to punish any below them in rank and guilt. I hold Lee to be of the very worst of the guilty, altho' I see with you, as in this country, men speak of him as an honorable man and rather applaud than condemn him. If any man is visited with heavy punishment, surely Lee cannot escape. He has been the prime agent of Davis, and for the last two years, he has been the soul of the whole

rebel military action, and he has permitted the atrocities committed by commanders under him, and inflicted on your northern prisoners.

But Davis and Lee and the rest of them have families and friends and partisans, and they have been the representatives of thousands, if not indeed of millions of their mistaken and angry countrymen, all of whom you can neither hang nor banish, and who will feel a strong sympathy in their fate.

One of the great objects of your Government now should be to change the character of the South, to root out the brutality and cruelty which have sprung from slavery, to create a reverence for human life, and to prove the mercy no less than the justice of your Federal Government. To hang any of these men will exasperate multitudes. You must remember that in the rebellion, millions have been involved, and have regarded their leaders with confidence and often with admiration, and everyone of these millions will feel himself almost equally guilty with the victims you may select. They will therefore look upon their execution, not so much as a just and necessary punishment, as an act of vengeance, savage, needless and unjustifiable.

Capital punishment is being gradually banished from the world; fifty years hence it may be unknown among Christian nations. In the last insurrections in this country it was not inflicted. The insurgents in South Wales some years ago, and in Ireland more recently, were tried, found guilty, and sentenced to death; but they were not hanged. They were banished, and after some years they were permitted to return to their native country. During your war and rebellion, no man has been put to death for any act of treason by any civil court, and now, in your hour of triumph, you need not have recourse to what has hitherto been unnecessary. Let it be said hereafter that your blood-shedding was only in self-defence, and that, when your safety was secured, no man's life was taken under the pretext of justice or revenge. I have no sympathy with those who say the leaders of the rebellion are not great criminals and do not deserve heavy punishment. On the contrary, I agree with your President that treason is a crime, and should be punished as a crime, and that it is only just to your people and to posterity that it should receive whatever penalty it may be good for the country to inflict; but one punishment may have only good in it, and another may have as much of evil as of good. All your friends in England, I mean your thoughtful earnest friends, are relying on your magnanimous character, and they point to your wise and generous policy as a proof at once of the excellence of your institutions and the civilization of your people.

I have read the speeches of Mr. Beecher and Mr. Wendell Phillips; that of the latter at the Tremont Temple seems to me great as an effort of oratory and as an expression of statesmanship at this critical time.[1] I agree mainly with Mr. Phillips on the question of the punishment of the rebel leaders, and if I could speak to your Government and people, I should implore them to exclude the gallows from their view, and to be content with the banishment of the men who have brought so great evil upon your Country.

If it be thought necessary to bring the leaders to trial, and to convict them, be it so; but this will involve much time and *great excitement and passion*, and will do much to prevent the pacification of the rebel states, and the restoration of that temper without which the real reconstruction of the Union will be impossible. And, since the murder of the President, it may be that the spirit of revenge may so take possession of a portion of your people that you may find it difficult to omit the extreme punishment when the rebel chiefs are in your hands, and when a conviction has been obtained. I think another course is preferable if it is possible. I would select the most guilty men, and those who, if left in the country, would be most likely to be mischievous hereafter, and I would banish them from their native land forever. I would select a certain number, members of the rebel Government, generals of the rebel armies, and men whose acts have been marked by special hostility and CRUELTY, and I would banish them from the country by some form of decree or proclamation which should describe their crime. I would claim credit for abstaining from taking the lives which are forfeited by law, and I would declare them forever expelled from the country they have sought to ruin, and banished with the *infamy* they have merited.

To me this appears the wise course, and the great course. It is not a dynasty, cruel from selfishness and terror, which is about to act, but a great nation, leader and teacher of all other nations, and a nation which has shewn a solidity of power far excelling that of any dynasty in the world, and which can afford the highest exhibition of clemency and moderation.

Every man who hopes for liberty in Europe breathes more freely now, when your success is secured. It will add incalculably to the force of your example, if now in the hour of your triumph you can shew the same moral grandeur that you have displayed during your mortal conflict.

Banish the most guilty if you will, break up your pestilent plan-

[1] The address was delivered April 19, 1865, and was printed as a pamphlet at the office of the Worcester *Palladium*.

tation oligarchy, make a signal example of the class which has conspired and made war upon your Government and country, but do not grant one victim to the gallows on the ground of treason and rebellion. Twenty years hence, if you thus act, it will be one more glorious thing to say of your Government, that since the foundation of your State, it has not been necessary to take a human life under the action of your civil code and courts, in defence of your institutions and your laws.

I have written you a long letter, but it does not say all I feel, and it does not say it well. I write rather in haste that I may catch to-morrow's boat; but I write what presses upon me very much, and what occurs to me to say as a distant spectator of the great events passing among you. What I have said, you will understand as referring only to those who have been in the rebellion, and not to the conspirators against the life of your President and your Ministers. I speak only of those concerned in the great political crime of the last four years. To them the suffering and the remorse which will track their lives must be worse to bear than death itself.[1]

I write you a note by this mail on general subjects. I hope what has lately passed among us will be satisfactory to your people. . . .

John Bright.

Private. Rochdale, May 16, 1865.

Dear Mr. Sumner, — You will see that a question about recalling "Belligerent rights" was asked last night in Parliament. The answer seems to me confused, and is made to turn on the continuance of your Blockade. If your ports are *blockaded* then there is war; if war, then there are belligerents; if belligerents, then we cannot change our position. I thought your blockade was at an end, and that your ports, Galveston perhaps excepted, were closed by an internal regulation.

I think the proper question to have been asked is this, whether Confederate corsairs or privateers, or ships of war are still to be admitted to British ports or to our ports in any part of the world? This might be determined without reference to your blockade. In a recent letter you refer to the "*Alabama* case," and you say "get the *Alabama* case out of the way." I do not quite understand you. Do you mean get our Government to consent to pay the claims on account of the *Alabama*, or merely do you mean that we shut out *Alabamas* and *Shenandoahs* from our ports?

The *Alabama* claims will not be paid merely because they are demanded. You have claims against us, and we have claims against

[1] Pierce, iv. 253.

you. The most that can be expected is that all claims shall be fairly considered and discussed, and if need be referred to some competent and impartial tribunal — some fair referee.

I do not think it possible that any decision can be come to; certainly none favorable to your view, before the meeting of Congress; but negociation may be going on, and the tone of our Government may be ascertained. If you see any distinct way in which I can help the question towards a fair hearing, I shall be glad to know it. It is one which will need delicate handling on both sides.

I have made extracts from your last letters, and have sent them to Mrs. Cobden with your message to her and her family.

We have had a month of sore trial in the loss of Mr. Cobden, and of my brother-in-law Mr. Lucas [1] of the *Star*, and of your good President. In this country the feeling excited by the murder of the President has been extraordinary. He had laid hold of men's hearts by the simplicity, and honesty, and kindness of his nature, and the universal sympathy excited, has done much to change and improve the public feeling on all questions of policy affecting America.

I have been away from Parliament for three weeks past. The sad events of April had disturbed me much, and I went down to Scotland for fresh air and scenes. I expect to be in London again during this week. I have suggested to Mrs. Cobden that she may send me the letter you mentioned, and I may have it in a day or two.

I thank you for your attention to the case of the Englishman, and wish to thank the President for his friendly expressions with regard to me.

I shall look for your letters as you have time and disposition to write to me. . . .

JOHN BRIGHT.

ROCHDALE, July 24, 1865.

DEAR MR. SUMNER, — This is a postscript to my letter of Saturday last.

I mentioned the case of certain blockade runners and great friends of the rebel cause who are said to have obtained their cotton and to have succeeded better than some of their neighbors.

I know nothing of the matter positively, and only said what rumour says on the subject. Perhaps I ought not to have referred to it at all, as I do not wish to be, or to seem to be, vindictive towards those who have behaved so ill during your great struggle.

I do not wish to drag the people into any difficulty, or to accuse

[1] Samuel Lucas (1811-1865). *Dict. of National Biography*, XXXIV. 241. He had married Margaret Bright in 1839.

them, or any one in any department of your Government. I narrate to you what is said here, in the way of epistolary gossip.

Our Elections are over, and the Tory party is well beaten. With a system of representation so bad, it is wonderful that a Parliament can be returned that in any degree represents liberal opinions. The House is not expected to meet before February next.

I can make out little from your papers what is doing in the South; but I fear things are not going quite as you wish. It is a heavy and complicated work which is upon you.

The delay in proceeding with Jeff. Davis creates enquiry here; the general feeling is that it is in his favor; but the sudden execution of the conspirators has again excited the fears of his friends.[1] I should like him to come to England to see how the English "Secesh" would receive him.

We have a hot summer, such as we have scarcely had since 1826.

Happily we have no exciting news, and our papers are dull. . . .

John Bright.

It is telegraphed here that one of your Ministers has made a strong speech against France, in connection with the Mexican business.[2] I read the long letter you sent me on the same subject in one of your newspapers.

Rochdale, August 16, 1865.

Dear Mr. Sumner, — This note will introduce to you my friend Mr. Edward Watkin, M.P., for the borough of Stockport.

Mr. Watkin is greatly interested in Canadian affairs and doubtless in the discussions on the Reciprocity Treaty, and he wishes to see you and some others whose opinions and action may influence the settlement of that question.

I am afraid Mr. Watkin has not altogether taken such a view of recent events in America as you and I have done, but he can rejoice with us in the restoration of peace and the abolition of slavery. . . .

John Bright.

Rochdale, September 22, 1865.

Dear Mr. Sumner, — This note will be presented to you by my nephew Mr. Frank J. Bright, who is about to visit the States, on a tour of amusement and instruction.

[1] Pierce, IV. 255.

[2] This probably refers to Montgomery Blair's speech at Hagerstown, Maryland, July 11. He had ceased to be a member of the President's Cabinet in September, 1864.

If you can give him access to anything he may wish to see, I shall feel indebted to you. I do not wish him to feel an entire stranger if he should visit your city.

There has been much talk of my paying you a visit, but I seem as if I could not leave home. When the age of fifty years is passed, there is less disposition to travel and more to rest; so I find it, and I feel too idle to undertake the labor of a voyage to and journey in the United States.

The President's policy of unlimited confidence in the South may be wise as far as the white people are concerned, but I doubt it much in reference to the interests of the negro. Your proposition for delay seems very wise.

I shall be anxious to see the tone of Congress, and hope the President will not put himself in opposition to it. But I abstain from saying anything, and indeed from forming positive conclusions on a subject of so much difficulty as the great problem now presented to your statesmen.

If I were with you, I should take the generous and liberal view in my treatment of the negro, and I hope your people and Government may have the courage to take it. . . .

JOHN BRIGHT.

Private. ROCHDALE, October 20, 1865.

DEAR MR. SUMNER, — The tone of your last letter, September 26, does not much surprise me, for I have felt in a less degree something of what you have felt and said. The President seems strangely changed in his mode of talking of and dealing with the active men of the rebellion. At first he was all severity; treason was the greatest crime of all crimes, and must be punished as such. Now nobody is punished. Lee is allowed to become Principal of a College to teach loyalty to your young men, and I suppose bye and bye Davis will be free, and may again make his appearance in the Senate at Washington. Who knows that Lee may not contest with Grant the succession to the Presidential chair?

But something may be said for this mercy. It will outwardly restore the Union sooner, and it may possibly be wise, but I fear it is accompanied with rather less regard for the interests of the negro, and the fundamental principles of your Constitution. I can see some difficulty in the way of the President if he attempts to give the suffrage to the negro. He may join Congress in shutting the South out from Congress unless the law in every point is the same for white and black, but most unfortunately for this course, even in a majority of the free States, the suffrage law does not appear to be the same

for the two races. How then could he insist on doing that in the South which he cannot enforce in the North? Can this be done except by another amendment of the Constitution? and if not, could such an amendment be carried? I think not. But something may still be done perhaps. When our slaves were made free, Parliament passed a law to enable the Government at home to appoint stipendiary magistrates in the West India Colonies for the express purpose of administering the law, and of protecting the freedmen. This law, I believe, was very necessary, and it has worked well.

Our slaves were made free by a law passed regularly thro' Parliament, and after compensation was paid to the planters; yours by an act of the "war-power" without compensation, and after or during a desperate struggle. In your case, therefore, there will be the more need of some special protection for the negro; but how it is to be given him if all the rights and powers of the States are to be restored, I do not see. The recent election in Connecticut is not a good sign, and I am not sure, now the war is over, and the national peril past, that the North is anxious to do full justice to the men their arms have made free.[1]

I had a long talk last Sunday with the people at your Legation in London, and on this topic. I suggested that the President was deserting those who made him what he is by making him Vice-President, and that he was rebuilding the Democratic party. This was not assented to. It was urged that the views of the Radicals — your views I suppose — were too far in advance for the country and that, if persisted in, they would lead to a complete reunion of the South and the Northern democrats, and would destroy the republican party; whereas the course of the President would effectually undermine the democratic organization, and make the old arrangement of Northern democrat and Southern planter impossible. I confess that, to me, it seems the President is looking too much for an outward

[1] The following amendment to the State Constitution was submitted to popular ratification in Connecticut: "Every male citizen of the United States who shall have attained the age of twenty-one years, who shall have resided in this State for the term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time at which he may so offer himself, and shall be able to read any article of the Constitution, or any section of the statutes of this State, and shall sustain a good moral character, shall, on taking such oath as may be prescribed by law, become an elector." The intention of the amendment was to nullify a clause in the Constitution which denied the right of suffrage to colored persons, except those who were citizens of the State at the time of the adoption of the Constitution, in 1811. The vote was 27,217 for the amendment, and 33,489 against it; majority against, 6,272.

restoration of the Union, and too little at the future position of the four millions who have been made free.[1]

I abstain from writing or speaking in public on this matter, because I think as "outsiders" we are liable to mistakes, and also that interference and advice from England are not likely to be received in a very cordial spirit by a large portion of your countrymen.

When Congress meets, there will be much and hot debate on these points, and I cannot see clearly how they will be settled. It will be a matter much to be deplored if the States of the South are restored to full power, and the negro left to the tender mercies of his old masters. But I have great faith in your people, and your press, and your schools and your general freedom, and from these I hope we shall see that the negro will be shielded from serious wrong.

We have had much discussion lately on the correspondence between Mr. Adams and Lord Russell on your claims. Our Government has put itself into a position of difficulty, out of which it will be hard to extricate itself. It refuses to refer the matter to any other Government or to any commission. You will not consider our claims unless we consider yours. Our claims are not contested on the ground of principle, as yours are, and yet they must wait till some other arrangement is made about yours. In this dilemma our Government, and such of our people as have claims upon you, must suffer by the delay. I suppose Mr. Seward will not consent to Lord Russell's commission, so long as he retains his present position as to your claims. The whole question will thus remain in suspense, and our Government will not be able to proceed with claims, to many of which, I presume, there is no opposition.

What your Congress will do, I know not. There will be speeches more or less unwise, and perhaps violent and irritating, and we may see a disturbed state of feeling in both countries. If you can give me any information as to the future, I shall be very glad to have it. I shall suggest that the question of the "*Alabama* claims" be submitted to a council of eminent jurists selected, one from each of the

[1] "Then came Mr. Bright, who spent a couple of hours in talking over our internal process of reconstruction. The policy of Mr. Johnson excites much uneasiness in the extreme class in America, which reacts upon our friends here. I did what I could to reassure him. As to making negro suffrage an issue, it is simply suicide, in the state of popular feeling in America. The question is conclusively settled by the result of the question put to the people in Connecticut in the form of an amendment to the State Constitution. It is rejected by a large majority. If such a prejudice prevails in Connecticut, the state of feeling in the States to the south and west is scarcely likely to be less. So far as Mr. Johnson is concerned, I said I had yet seen no reason to doubt him. Whilst I had no acquaintance with or particular interest in him, his course thus far had won upon my confidence." Charles Francis Adams, MS. Diary.

great states of Europe. Their verdict could not be humiliating either to us or to you, and any verdict will be better than a protracted dispute.

Our old Prime Minister died two days ago. This day he would have completed his 81st year. His successor is not yet appointed, but I think Lord Russell will succeed him, with Mr. Gladstone as the leader in the Commons and perhaps Lord Clarendon as Foreign Secretary.[1]

The change, whatever it be, will make no immediate change in your affairs, except that I think the friends of a pacific and reasonable policy will find themselves stronger, and I believe that at home, a more liberal tone will be observed and that the question of suffrage extension will have greatly gained. I am of opinion too that our press will be greatly better, for Palmerston was most unscrupulous in his dealing with our newspapers. He has done much to degrade and demoralize them during the last thirty years, as he has done, indeed, with regard to the sentiment of the people on every question on which he has had any special influence.

If you can tell me anything as to your relations with our Government, and as to the probabilities of what will happen when your Congress meets, I shall be glad to hear from you. I hope all your affairs may turn out more favorably than you now seem to anticipate. . . .

John Bright.

Rochdale, January 11, 1866.

Dear Mr. Sumner, — This note will introduce to you Mr. H. Yates Thompson of Liverpool — one of our Liberal, though for the time unsuccessful candidates for South Lancashire at the recent general election.

Mr. Thompson has always been a firm friend of your great cause, and he has now a scheme on foot, by an act of pecuniary liberality on his part, which if carried into effect will do much to bring all that is good in America before the notice of the most cultivated class in this country. I am sure you will have pleasure in making Mr. Thompson's acquaintance. I hope he will not be away in case of another election, which I suspect is not far off. . . .

John Bright.

Rochdale, July 3, 1866.

My dear Mr. Sumner, — Your letter of May 23d [21?] [2] is very interesting, tho' its contents are not cheering. Your Cabinet *pro-*

[1] The forecast proved correct.

[2] Pierce, IV. 288.

claim themselves in harmony with the President. Some of them cannot be honest, unless they retain office in the hope of preventing bad from becoming worse. The "Amendment of the Constitution" seems reasonable and satisfactory, and I think I recollect something said by the President some months ago which indicated that his view was in accordance with it, but now he condemns it. I suspect he is unwilling to consent to anything which comes from Congress. I suppose he cannot prevent the "Amendment" from being adopted, if the States are willing to accept it. I hope Congress and people may stand firm, and that the President may have to yield. He will probably be obstinate till the fall elections determine the will of the nation, and then, if against him, he will give way. Your anecdote of Mr. Seward and the small Republic is something wonderful. Our dear friend Cobden had an unfavorable opinion of Mr. Seward, and I sometimes thought him unjust to him, but I now begin to think he was right.

Our people are not thinking much of America now. Our Ministerial crisis and the Franchise Bill, and the German war, fill our minds for the time. Lord Derby is making up a Cabinet, but he advances very slowly if at all, and I shall not be surprised if he should fail. The Traitors from the Whig camp will not join him, and without them he has no chance of a majority in the House of Commons, and therefore his Government cannot live long. Three days hence the result of his labors will be known, and he will be Prime Minister, or Lord Russell will come back.

There is a great feeling against him, and last night, a meeting 50,000 strong was held in Trafalgar square (Charing Cross) to protest against him, and to demand Reform.

I am much disappointed at the result of the session — but success here only comes after much effort and long agitation.

As to the war, all our people are for neutrality, and I think neither party of our rulers will venture to meddle in the strife. This shews that we have made a revolution in opinion within a few years past, and is a result of the labors of my lamented friend and myself chiefly.

We are annoyed at your still increasing tariff duties. My firm send carpets to New York, and I suppose the duties and expenses are equal now to seventy-five per cent on the cost of the goods here. Surely this is protection enough for your carpet manufacturers! But the appetite of monopoly is insatiable with you, as it once was with us.

I am not out of health, — indeed I have been very well of late, and do not now work hard. I am anxious you should run away

from work for a time, and I wish your affairs were less pressing upon you. It is curious to see the *Times* become a Presidential hack![1] . . .

JOHN BRIGHT.

Private. ROCHDALE, August 16, 1866.

DEAR MR. SUMNER, — The late tidings from your seat of Government seem to force me to write to you. I refer to the violent language of some of your "Radicals," when they charge upon the President the desperate intention of playing the game of a *coup d'état* during the recess. Your politicians are accustomed to language much more violent than that we indulge in, but I can hardly think eminent men would thus speak unless they had some shade of foundation for their charges or their fears.[2]

I see that Mr. Raymond speaks or writes in a tone which is calculated to excite distrust and that Mr. Seward is said to have uttered words of significant menace. Mr. Raymond is doing the work of the President, with some feelings of doubt, I suspect, and Mr. Seward is misreported or he speaks as I think he often does without meaning literally what he says. I am unhappy at what is passing among you. The contentions and mutual abuse of some of your leading men, the favor shewn by some of them, and by the House to the Fenians, and the contest between the President and the Congress, are matters, in your present condition, which rather alarm some of your friends on this side. I dare say we see, or hear, or read the worst of it in the New York papers, and the storm may be no storm at all. Still, I wish some of the symptoms were absent, and that reconciliation were more the order of the day.

Besides the great political interest we take in your well doing, we have also a great commercial interest, and I suspect that the threats which are uttered by the contending parties, if carried much farther, will have the effect of lessening faith in the value of your securities in England and in Europe.

You are near some elections of great importance, and I suppose it is to influence these that so much favor is shewn to the Fenians. If the elections go in favor of the Republicans, perhaps the President may become more moderate; but I think he is very obstinate, and that want of success may make him more so. I am sorry to see an

[1] Pierce, IV. 297. On August 14 the National Union Convention assembled in Philadelphia, and Raymond prepared the "address," which cost him the confidence of the Republican party. Maverick, *Henry J. Raymond*, 170.

[2] Sumner's views on President Johnson were given in an address at Music Hall, Boston, October 2, 1866, on "The One Man Power *vs.* Congress." *Works*, XI. 1.

attempt made to lessen the force of your neutrality laws. You should, as heretofore, set us an example of something better, instead of coming down to our level. You, as a nation, are so great and so secure, that you can do what is great and noble, and help the world onward, as no other nation can. Our change of Government is very unsatisfactory, but it cannot last long I think. The Tory party is so *stupid*, that its leaders cannot so conduct the Government as to content the nation. We may have a lively time in the winter, and in the session of 1867.[1]

Our financial condition is not good, but I hope better days are coming. We have unfavorable harvest weather, and much rain has fallen during the last three weeks. How long will your great prosperity last? Wise men here say you cannot be far from a commercial crisis. But you disappoint the wise, and the prophetic, and I hope you may long do so.

Tell me if your health is better. I hope it is. I am idle at home and feel weary of strife in the political field. . . .

JOHN BRIGHT.

The telegraph is a greater marvel than the world seems to consider it. I rejoice greatly in its success. Cyrus Field is one of the heroes of our time.

Private. ROCHDALE, December 14, 1866.

DEAR MR. SUMNER, — The postscript of your last letter interested me much. I had seen that you had recently lost your Mother, and now you are about to "settle in life," — not so early as many do.[2] But I will hope, as I believe, it will add to your happiness, without lessening your usefulness. My wife sometimes complains reasonably that my public life interferes with domestic comfort; but she is compensated to some extent by the belief that my public labors have a great purpose and are not wholly without result. I hope Mrs. Sumner may have her consolation in the same way, if she is ever disposed to complain. I wish you every happiness as you will believe.

The result of your elections gave me much pleasure. Whether the President will become more rational time only will prove. I earnestly hope he may, for his own sake, and for that of the South and of the whole country. I do not believe in violence. That would ruin him and his friends forever, and the North hereafter would shew less mercy than in their past conduct to the South. I hope there will

[1] Pierce, IV. 298.

[2] Mrs. Charles Pinckney Sumner (Relief Jacob) died June 15, 1866. Sumner married, October 17, Alice Mason Hooper, the widowed daughter-in-law of Samuel Hooper of Massachusetts.

be no attempt at impeachment. It should not be made and *fail*. That would break up your party and do great mischief, and to succeed would involve you again in something little short of war. I think by a quiet but resolute course you will succeed, and as the President's term runs on or out he will have less power and you may carry all you wish, without the tremendous risk which would attend any attempt to depose him or to punish him. I give this opinion with great deference; but looking on from here, it seems to me to be a sound one. I doubt if General Butler is a wise adviser on this question; he has his grievances, and may be influenced in a direction too stern by what he has suffered.

The Mexican question is near its solution. The lesson taught to the French Emperor is a severe but a salutary one. He must feel it most acutely, as do doubtless the French people. Every thing said and done against you during the war tells now to your credit.

Our "Derby Government" would gladly do something to make things smooth with you, but I do not see how they can settle the *Alabama* claims after what they did and said during the commission of the outrages on your commerce. Their party is not a reasonable party, and they can stir in this matter only with great difficulty. Ireland is giving great trouble as is usual — not in England only, but with you and in Canada. I think your Government ought to be able to curb the Fenians with a stronger hand. Perhaps they are too many, and public opinion may not allow of any severe dealing with them. If the Irish in America are now "Americans," they should submit to their new Government and adopt its policy; if they are still *Irish* and not Americans, then this Government should be at liberty to deal with them when it meets with them. Canada is innocent in the matter of Irish wrongs, and should not suffer for what is done here. If I were a Canadian I should consider if it were not better to escape these injuries by separating from England. There is a talk here that the "Head-centre" is coming to Ireland and a "rising" is expected by many people. I do not believe in it, and I am not certain the Government is not making the alarm for purposes of their own. I think the "Derby" party are capable of much that is evil, and I think no good of them after so many years' experience.

Our reform question advances, and many think we are near some considerable gain. I am not so sure of it. The ruling class here is very powerful, and it has a large hold on the middle ranks of society. It has the two Houses of Parliament, the Land, the Universities, the Church, the Army and Navy, the sympathies of rich people, and ancient custom in its favor, and it is difficult to contend against all

this. I am the mouthpiece of the real reform party, and no single man of striking power as a speaker has come out during this autumn to help me. Without me, there might have been great meetings, but the case of the unenfranchised, apparently, would not have been sustained with force and success from the platforms.

I have been "Attorney General" for the reform feeling, and especially for the working men, and the facts and arguments brought forward have been such as almost to silence a hostile and bitter press — not to put an end to their malignant abuse of me, but of their attempt to argue the question. The Cabinet are trying to cook something for the coming session, but I am not sure they can agree about anything that will look decent enough to be offered to the country. They have discussions also on the question of estimates. I believe the Army and Navy departments are asking for more money — to which Disraeli is opposed. He knows that the present waste is something fearful and he feels that a larger expenditure would be unpopular and lay him open to assaults from Gladstone and from our side of the House. If the Derby Government were composed of honorable men, it would break up before Parliament meets, and indeed it would not have been in existence at this moment. But the love of office, and of what the party can get from office, will probably drive them to many tricks and dodges before they will resign.

Lord Russell and Mr. Gladstone are not yet home from the Continent. I think they should be here, if they intend to lead the Liberal party to anything better than the past. Lord Russell is old, and I think he has not strength to control colleagues from whom he may not be able to separate himself, and Mr. Gladstone has great difficulties in trying to keep well with the "great families" who are essential to his success as a minister, and with the great popular power without which a liberal minister cannot exist at all.

We are in a transition state; but whether we shall slide gently, or stand still now, to go some day with an unpleasant and perilous speed, I cannot tell you. My speech a week ago in London has caused some criticism. I always speak what I feel and what I mean. I should fail miserably if I attempted anything but this. I shall watch the opening of Congress with deep interest, and our session may prove a very lively one. . . .

JOHN BRIGHT.

Private. ROCHDALE, October 26, 1867.

MY DEAR MR. SUMNER, — I have often been anxious since the receipt of your last letter, for it left you with an opinion that I confess I did not think you could entertain.

I refer to your support of the course taken by Mr. Seward in the correspondence with Lord Stanley on the *Alabama* claims.

If I am correct, what Mr. Seward professes to want is this, — that *the whole course and conduct* of the English Government during your war should be brought into Court and be adjudicated on by some selected tribunal.

Not only the harm done you by the ships built here, but the injury you sustained by the mistake of our Government in believing that you could not conquer the South, is to be estimated and compensated for. If its conduct in regard to the admission of the belligerent rights of the South is to be considered and condemned and atoned for, then what will you allow for its service rendered to you in refusing the repeated applications of Louis Napoleon to take a more decided course and to acknowledge the independence of the Slaveholding State?

I have always condemned the act of our Government in regard to the question of belligerent rights. I thought it unnecessary at the time, ungracious and unfriendly, and calculated to irritate and to injure you, and I have said this in Parliament and out of it; but I have never seen any conclusive argument to show that it was a breach of international law, or a course which our Government was not entitled *legally* to take under the circumstances. It was a foolish act, an unfriendly act, at the moment an unnecessary act, and it was done at a bad time and in a bad manner, and for all this you had reason to feel irritated and aggrieved; but to me it seems a matter wholly different from the *Alabama* question, in which I fear and believe there was a distinct breach of a well-known international law, and one which is capable of proof, and where the damage inflicted can be fairly valued.

Who can estimate the harm done you by the admission of the belligerent rights of the South? What compensation can be adjudged for it, and how can it be reckoned in dollars or pounds sterling?

An opinion was held which was erroneous; upon it, an act was done which was precipitate and injurious, but which, I conceive, was within the competency of any European Government. I condemn the act as strongly as you do, but I cannot believe that any existing government in the world would consent that its conduct in such a matter should be put to reference, or that it would consent to pay money, or to make an apology for having done what it had a legal right to do.

To all Englishmen, I believe, there arises a suspicion that Mr. Seward is playing with a serious question, or that he wishes to be revenged for the part taken by our Government during the war.

There is a general approval here of Lord Stanley's course in offering a reference with regard to the ships, but I have not heard of any one person who thinks our Government can concede what Mr. Seward is understood to demand. I have said nothing of this question in public and probably shall say nothing, but I am compelled to say to you that I think you will put yourselves in the wrong before the world in refusing an agreement based upon a reference on the question as to the damages done by the ships which were fitted out in this Country. Beyond this I think our Government will not go, and in their decision I believe they will be sustained by the whole public opinion of the nation.

Leaving this troublesome question, we may agree better as to what is doing with you and with us. Your elections have not ended as I could have wished, but I hope they may leave you in power long enough to settle the great question on hand. What a measureless calamity it has been to you to have chosen a Vice-President not thoroughly at one with the northern sentiment! I believe Mr. Johnson hates New England and everything connected with it as bitterly as any Southern man in the country. His time is running out and he cannot well ruin the country within a year.

I do not believe in his employment of force against the Congress, or in the submission of Congress to him; but I can imagine the difficulties and the dangers of the coming year. Your choice of a candidate too must be made, and in this there will be no small difficulty. I seem to shrink from forming any opinion as to your future, and am driven back upon my ancient faith that somehow you will wade, or plunge, or scramble, or fight your way, thro' all the perils which are before you.

Here we are in a quiet state. The Tories disporting themselves as reformers and democrats, flattering the "working men," and trying to make capital out of their late surrender of their old principles. It is a ludicrous, but still a shameful exhibition, and I look on and wonder at it.

We are to have a short session about the Abyssinia business — another blunder of our Foreign Office, as I suspect it will turn out. The real session will not begin till February, and what will happen then is beyond my ken.

When you have half an hour of leisure, tell me what will happen with you: if the impeachment is given up; if any compromise is possible with your Copperhead President; if you can agree on a candidate for the next term; if reconstruction is possible in any way; if, having conquered in the field, you are to be conquered in Congress?

I often think of you with much anxiety and wish I could have an evening's long talk with you. But the Atlantic is between us and I fear is likely to be so. . . .

JOHN BRIGHT.

ROCHDALE, January 11, 1868.

DEAR MR. SUMNER, — I am constantly asked whether your Government will repudiate and pay the five-twenty bonds in currency.

We are holders to some extent in these bonds, and the moderate marriage portion of my daughter is in them, so I am interested in the question.

This doubt arises from the talk of some of your public men — General Butler and Mr. Stevens and others — and the doubt is not cleared up by some report from Senator Sherman, the precise meaning of which I do not understand.

I think a little more foolish talk about it may make a panic, and your bonds may be knocked over in our market, and in the present state of commercial and financial affairs in New York this might do much mischief.

May I ask you to write me a note to say what is *certain* in the matter, if what is certain can be known. If it is not *certain* the bonds will be paid in gold, on which understanding, without any contest, the money was borrowed, then the sooner I am out of them the better.

If there be *doubt* about it, I shall lose faith in them, and shall grieve over the loss of reputation which your great country will sustain.

I shall treat your reply in strict confidence.

I see some of the Democrats go for "Pendleton and repudiation;" this is consistent if not honest, and I almost hope they may hoist this on their party flag. They cannot win with it, I feel certain.

I hope to write to you soon on your last letter and on Mr. Seward's views. I am not quite sure that we are writing on the same thing.

I look to our coming session with some anxiety. I fear there is no one able to deal with the Irish question.

Forgive the trouble I give you with this. . . .

JOHN BRIGHT.

Private. ROCHDALE, March 7, 1868.

MY DEAR MR. SUMNER, — I must just thank you for your kind attention to the case of the soldier. His father the old clergyman in

Manchester is *very* grateful to you, and he has sent me a letter from the young man expressing his gratitude towards you and me for the help we have given him.

Next, I must refer to your letter of the 4th ult. on the repudiation question, on which I grieve to think that you are only able to speak in an uncertain manner. To break faith with those who lent you money in the time of your trouble will unite all the world in condemnation of you, and will be a losing policy after all; for you must borrow in some shape to pay off those whose debt you will partly repudiate and in future nobody in Europe will trust you, and all your securities of every kind will suffer some taint.

It is melancholy to think how many acts of want of faith are committed by individuals and governments, but it is pitiful to see such acts done for no adequate result. In your case I think it could be proved that the ultimate loss in money and in character would be far greater than any gain that can possibly be made by breaking faith with the holders of your five-twenty bonds.

Now for the Claims. There was a discussion last night in our House of Commons on this old topic. I was not there, in fact, I have no wish to say anything in public upon it. All that was said seems to have been in a very fair and friendly spirit.

There seems to me to be some misapprehension on the point on which the negociation has been suspended, and also upon what I have said upon it. If Mr. Seward proposes to arbitrate upon the *legal right* of this Government to admit the belligerent rights of the South and to ask the arbitrator to condemn the act of this Government in that matter, and to order an apology for it, or some compensation in respect of it, then I think Mr. Seward's proposition is one which no Government could for a moment listen to. I believe in the *legal right* of this Government to do what it did, tho' I wholly condemn the act itself, and I think you have great reason to complain of it as unfriendly and injurious; but I cannot admit that it is a matter fit for reference, or for compensation, however injurious you may think it has been to you.

But if Mr. Seward asks that in the discussion of the "claims" before an arbitrator, he shall be at liberty to shew that the acknowledgment of belligerent rights enabled English sailors, without the risk of being hanged as pirates, to engage in war against you under the Confederate flag, and that it is a proof of the unfriendly spirit of this Government, under which it afterwards permitted armed ships to be built and to sail from our ports, then I think the demand of Mr. Seward is not unreasonable and that it ought to be granted, and this I think is the general feeling here.

Your claim is or *was* a claim for compensation for injuries sustained by your shipping from armed vessels which sailed from English ports. If it could be shewn that our Government had *done its duty* in attempting to prevent the building and sailing of such ships then the arbitrator would award no compensation. In this case, clearly, I presume, he would not be asked to consider the "Queen's proclamation" with a view to its condemnation, or to any award of compensation in respect of it.

If the "proclamation" stood by itself, and had not been followed by the *Alabama*, you might have considered it unfriendly, but you would not have demanded or suggested an "arbitration" upon it. The *Alabama* case is the one ground on which you make a claim for compensation, and it is only in support of that claim that you have any title to bring the "recognition" question before the arbitrator. I agree with you that the "recognition" having taken place, this Government was the more bound to be careful that its own municipal law was not broken, and that the well-known requirements of international law were observed.

I would consent to have all the facts brought before the tribunal, in order that the decision on the "claims" might be complete and conclusive. Let the "proclamation" strengthen your case if it can do so, I mean the case you have against us in respect of the *Alabama* and other ships; but don't ask us to refer that which no arbitrator is competent to decide, and on which he could award no compensation to the complaining party.

From Mr. Seward's withdrawal from the negociations, it begins to be thought here by *some* that he is not unwilling to have the question kept open, and by *others* that he has no great confidence that he could obtain a verdict in the case. I confess I am somewhat inclined to this latter opinion. I think you were grossly wronged, and that you may reasonably claim compensation; but I have never felt great confidence that you would succeed in getting it before any tribunal to which the case is likely to be referred.

After all, I learn what you doubtless know, that Mr. Seward has not wholly withdrawn from the question, altho' he professes to have given up "arbitration." *I am sorry he is not more direct and explicit.* I am sure there is a general desire here in public and with our ministers and statesmen to meet the question fairly, not from fear of war, but from a feeling that, partly from mistake and ignorance and passion, we did you wrong during your great troubles, and from a wish that our wrong-doing may, to some extent, be forgotten or atoned for.

I do not know that I can do anything in this matter, but if you

think I can, I shall be glad to say or do anything that may smooth the way to a satisfactory adjustment.

We have a new Prime Minister, as you will have seen.[1] I think he cannot last long; but to be Prime Minister is to him the "summum bonum" of his adventurous life. It is another and final proof of the decrepitude of the aristocratic and territorial class with us!

As to your progressing revolution, what shall I say? We cannot well judge here; but it is wonderful that your Government securities remain unshaken whilst your Congress and Executive are almost at open war! There does not seem to be much distrust of you tho' you menace repudiation and the dethronement of your President at the same time.

I lament Mr. Johnson's obstinacy and folly. He seems resolved to have his name in your history, placed alongside that of Mr. Buchanan, when he might have stood at least next after Washington and Lincoln!

The world will probably think he cannot have a fair trial before the Senate, but there is no other possible tribunal. How is his power to be checked or suspended during the trial, or even after it, if convicted? I suspect he will require to be *forcibly* suspended or removed, and that his obstinacy will make him resist up to the very last. I wish it had not come to this — as doubtless every thoughtful man among you wishes. I suppose the Senate will not sanction McClellan's appointment to London.[2] Is it a plan to get him away from the Presidential canvass — or to give him a position which may improve his candidature?

I think Mr. Adams is anxious to go home — all parties here wish him to stay. . . .

JOHN BRIGHT.

Private. ROCHDALE, August 1, 1868.

MY DEAR MR. SUMNER, — It is long since I wrote to you, but I have not ceased to observe what is doing on your side of the water. For some weeks past I have been "horrified" at the rumour that Mr. Chase was not only willing but hungry to become the Presidential candidate of the Democratic party! From your newspapers I

[1] Disraeli, who became the head of the Government in February, Lord Derby having resigned on account of his health.

[2] The nomination was made February 21, and on the same day the removal of Secretary Stanton from office was announced. Unfavorable action of the Senate on the nomination was early indicated, but the impeachment trial of the President monopolized attention until the end of the month. On June 8 the Senate Committee on Foreign Affairs reported adversely, and on June 12 Reverdy Johnson received his commission. See Welles, *Diary*, III. 257; *The Nation*, VI. 165.

am compelled to believe that the rumour was and is true, and I can assure you that I have heard nothing more sad for a long time. If I had been sufficiently intimate with Mr. Chase to have justified any interference on my part, I should have written to him to have warned him of the bottomless pit to which the devil of ambition was said to be leading him. I have spoken on the subject to some Americans here, and have said, if he succeeds he will be discredited, if he fails he will be ruined. He has now failed and I cannot see how he can retain any place in the confidence of the Republican party. If I were asked to join Disraeli's Cabinet, and were to accept it, where should I be in the estimation of all my friends of the Liberal party in England? Just where, I suppose, Mr. Chase is now with your Republican party. After all, what a devil is this ambition! Lord Stowell said that "it breaks the ties of blood and forgets the obligations of gratitude;" but it does much more; for it devours whatever there is that is noble in men, and it blinds them strangely even in the pursuit of its own ends.

There have been rumours too that Mr. Adams was not unwilling to throw in his lot with the same Party; but this I cannot believe, altho' I dare say his close friendship with Mr. Seward has somewhat cooled his sympathy with your friends. His judgment whilst in England has been impartial and sagacious and I should grieve if he made any false step in his public career.

I conclude that Mr. Seymour is not likely to be elected — the repudiation scheme of the party ought to be fatal to it.

I know not how the question of the "claims" is going on between Lord Stanley and Mr. Seward, but I suppose it will rest awhile and be settled in some wholesale mode of getting rid of all matters in dispute.

When you are electing your President, we shall be electing our Parliament. We shall have a great contest; from all I hear and see, I think we shall have a substantial and probably a large majority. The "church cry" is no more successful than the "no popery" cry, and the Irish church has few friends outside the old Tory party. In Ireland it is considered to be "as good as gone," and its doom is thought even by its friends to be decided. The coming Parliament will I believe confirm the decision of the one which is about to be dissolved.

I spoke at a dinner in Birmingham last week, and ventured a criticism on your system of changing all your officials on a change of party in the Government. I expressed the opinion that our system was much better, but in some other matters, as in your disposition to reduce your armaments and military expenditure, we might follow you with great advantage.

From what I hear from your side, I conclude that the South is

becoming more settled and is slowly beginning to recover from the effects of the war. We are deeply concerned in this; for our great cotton trade is terribly damaged by the fluctuations in the price of cotton, and they cannot cease so long as you can only grow two to two and one-half millions of bales in the year.

I am weary with our session of Parliament, as you doubtless are in your long labors at Washington. There is hard work in public life; but there is some compensation when we see that good principles and good measures make progress in the midst of so much weakness and so much baseness among men. We have had a very hot season, scarcely any rain for three months past. . . .

JOHN BRIGHT.

Confidential. ROCHDALE, December 25, 1868.

MY DEAR MR. SUMNER, — A short letter which you wrote to me in August last only reached me a few days ago. It had remained at the Reform Club since I left town at the end of the session. It is strange that the London papers should care so little about the course taken by their American correspondents. I do not know that I can do anything to bring about a change.

You will have seen the result of our elections, as I have seen that of yours. To me our victory has been very costly, for it has forced me from my independent to an official position.[1] I was much opposed to accepting office, but the strain put upon me was too great and I was compelled to surrender. If you happen to see the English newspapers of Tuesday last, December 22, you will see my election speech at Birmingham, with an honest explanation of what occurred at the formation of this Government. I must do the best I can, and hope that what I have done may turn out to be the right thing.

And now about your affairs. Your election gave me great pleasure and I suspect your present President's last message must make every man in your country rejoice that his ignoble reign is nearly at an end.

Your minister here seems to have caused much disappointment with you, and he has caused me some of the same feeling. The general impression here is that he has spoken more than was necessary, and that he need not have accepted invitations to meet Laird, and Roebuck and Wharncliffe. I incline to think however that he came resolved to forget all the past, and honestly most anxious to renew or restore the old friendship. I think that he has acted injudiciously, having regard to opinion, not on this side, but on your side the Atlantic.

[1] He became President of the Board of Trade.

I dined with him at Birmingham, and have seen him since in London. I think him most wishful to restore harmony between the Governments and the nations, and I have formed a favorable opinion of him from what I have seen of him in private. I shall be very sorry if he is unable to complete the work on or for which he was sent to England.

I wish to speak to you about this attempted negociation. I suspect neither your Minister nor ours understands what is really the position and the intention of Mr. Seward.

Lord Stanley seems to me to have yielded everything that could reasonably be asked. He consented that all the correspondence, including that touching the "belligerent rights" question, should be placed before the Commissioners; all the matters of complaint and in dispute being left with them. Mr. Seward then asked for the Commission to sit at Washington and not in London, and then all would be well. Lord Stanley agreed to this.

Since then Mr. Seward has proposed several other changes in the convention. He wishes to begin with a protocol rather than a convention, and he suggests a mode of reference in case the commissioners cannot agree which *may* exclude a "crowned head" or "head of state," and which is a mode of drawing lots or playing at what we call "toss up" for the appointment of the umpire! The impression here is that he does not want the matter settled, or that he feels his position in the Senate so feeble that he dare not bring any arrangement which is possible for him before that body with any chance of success.

So far as I understand it, what our Government wants is this — that the claims connected with the *Alabama*, involving an important principle, in which all nations are interested, should be referred, if referred at all, to the "head" of some independent state — whether a monarch or a republican head — and not to any less important umpire, in order that the decision, when given, may be accepted by the world as one given from a high source and carrying with it the greatest possible weight. If the commissioners cannot decide the question, which is likely to be the case, they wish to have the best umpire the world can give, and they think the "head of a state" with the assistance he can have, will be the best. I think if Mr. Seward is in earnest, there can be no difficulty in the matter. Suppose the commissioners do not agree as to the claims; they refer to their respective Governments. Suppose the Governments cannot agree whether Russia or Prussia or Holland or Switzerland or Portugal or Brazil shall be umpire — surely they could agree that some one of these should select an umpire to whom the matter before the commissioners should be finally referred?

If Mr. Seward can settle the matter, let it be done by some simple and clear proposition; if he cannot, if he fears the judgment of the Senate, and the popular outcry against Mr. Reverdy Johnson, then the matter had better remain open till your new President is in office. I am quite sure our Foreign Minister is willing to do anything that is reasonable, as are his colleagues; but it is a little beyond the bounds of ordinary practice, for your Secretary of State to insist on new propositions after so many concessions have been made, and after your Minister here is supposed to have been entirely satisfied. There is no disposition here on the part of the Government or the people to place difficulties in the way of a settlement; but, condemning as I do the course taken by our Government during your war, I could not advise them to stoop unworthily to procure an adjustment of the points in dispute between the two countries. I am sure our Government is willing to grant whatever any just and impartial Government would advise to be right in the case; but there is no need to submit to humiliation in the manner of doing it.

I am writing to you *confidentially*, having, as you know, no prejudice in favor of this country on the matter we are discussing. I wish the right thing to be done and in the right way, and I think it may be done, unless Mr. Seward is anxious to throw over his Minister here, and to postpone the settlement owing to difficulties which he may not have foreseen.

If you can say anything to me which may explain the cause of the present obstacles to further progress in the negociation, I shall be very glad. You may write freely to me, as I write to you. Our views are much alike and our objects are precisely the same. I have been intending to write to you for some weeks on this matter, but I seem to have neither time to write nor think for a month past. I hope you will read my speech at Birmingham on Monday last, for it gives some explanations which I like my friends to understand for my own sake. . . .

JOHN BRIGHT.

I desired my publisher to send you a copy of the two volumes of my speeches which came out in September. A second edition is just now advertised.

TAYNUILT BY INVERARAY, N. B., August 10, 1871.

DEAR MR. SUMNER, — I have been ill and "on the shelf" since the beginning of last year and have written few letters, and have been compelled to shun all business.

I write this note as I wish to give it to one of my friends who is about to visit the States. Mr. Thos. A. Potter, the bearer of this,

is the son of my friend Mr. T. B. Potter, M.P. I need not tell you of his father's services here during your great conflict. I believe he spent more money, and I may almost say that he worked harder, than any other Englishman, to give sound opinions to our people on the subject of your war.

Mr. T. A. Potter visits America for the purpose of instruction. I wish every Englishman could visit you.

If you can in any way make his visit useful and pleasant, you will confer a favor on me.

I am wandering in Scotland for my health's sake. I am very much better, and hope by the end of the year to be able to return to work — tho' I feel as if my work were nearly done. . . .

John Bright.

Queen's Hotel, Glasgow, September 17, 1872.

Dear Mr. Sumner, — I have just reached this city, and find from the newspapers that you are in London. I am sorry I am not likely to be at home for nearly a month to come, or I should ask you to come down to Rochdale to stay with us as long as it might suit you to stay. I suppose you will not be returning to the States for some time — the papers say not before November. If that be so I may hope to see you, and I hope you will come on your way to Liverpool if no earlier date will be convenient for you.

I should much like a quiet evening with you, and a talk over what is doing on your side of the water. You will be glad, as I am, that the long dispute is disposed of, so far as arbitration can dispose of it.

My address for a week or ten days will, I expect, be Taynuilt, by Inveraray, N. B.; but a letter addressed to me at Rochdale will be immediately forwarded.

I hope you are not really out of health. You will find it a relief to be away from home at this moment if you are as weary of the turmoil of elections as I have long been. . . .

John Bright.

Mr. Wendell supplies the following document from the Rindge Papers:[1]

Benjamin Pollard of Boston in the County of Suffolk within His Majesty's Province of the Massachusetts Bay in New England Notary Publick upon solemn Oath declareth, That on the Twenty sixth day of Decem[r] instant, at the Request, and by the direction of George Jaffrey, Jotham Odiorne, Theodore Atkinson, Andrew Wiggin, Thomas Pecker and James Jaffrey all of His Majestys

[1] *Proceedings*, xliv. 189.

Province of New Hampshire Esq[rs] being a Committee appointed to attend on behalf of the said last mention'd Province upon His Majestys Commissioners for setling the Boundary Lines between the two aforesaid Provinces, he serv'd His Excell[enc]y Jon[a] Belcher Esq[r] Governour of the aforesaid Provinces with an order of His Majesty in Councill, a true Copy whereof is hereunto annexed by delivering the same to him at the Province House in said Boston, under the Seal of His Majestys Councill Office, and leaving it with him and that he this Declarant at the same time deliver'd and left with His s[d] Excellency a Paper Writing, a true Copy whereof is hereunto annexed which said Paper Writing was annexed to the aforesaid Order of His Majesty in Councill with a small piece of red Ribbon, and is entituled an Account of the Costs of the Commission under the broad Seal appointing Commissioners to settle the Boundary Lines between His Majestys Province of New Hampshire, and the Massachusetts Bay, and the Expences of the Commissioners in executing the same and, at the same time acquainted His Excellency with the Purport of the said Accounts. And this Declarant further saith that on the next day following his said Excellency sent for him to the aforesaid Province House, and this Declarant thereupon waited on His Excell[y] to know His Pleasure and his said Excell[y] told the Declarant That he could not find in His Majestys Order which he had left with him the day before that any notice was taken of an Account tacked to it or that any Account at all was taken Notice of in it, upon which His Excellency took out of his Desk His Majestys Order, and Account aforesaid, and with a Pair of Scissers separated the Account from the Order, saying that it was no better than forgery, and that a man in England guilty of such a thing would be tryed for Forgery, and that for his own part he would Cut of his right hand before he would be guilty of tacking any thing to the Kings order. Whereupon this Declarant told His Excellency that he tacked the Account to His Majestys Order by the direction of said Committee; but that it was not done with any design of Forgery, or to affront His Excellency but in consequence of the Paragraph in His Majestys Order, directing the Expence of the aforesaid Commission to be equally borne by the two Provinces, and that his Excellency might lay the Account before the Generall Court of the Province of the Massachusetts Bay then sitting. His Excellency then said, the Province of the Massachusetts Bay had an Account against the Province of New Hampshire, of Thirty Six hundred Pounds, and when that was added to the New Hampshire Account it would by being equally divided bring New Hampshire in Debt near Twelve hundred Pounds, so that they had better be easy, and let it alone, but if they

were determined to deliver the Account to him they ought to apply to the Gov^r^ in a proper manner for he would not receive it so, and thereupon thrust said Account into the Declarants hands. And this Declarant further saith that after the Account was so sever'd, and put into his hands by His Excellency this Declarant said May it please Y'r Excell'y as I am the Agent of the New Hampshire Committee in this Affair I now deliver the Account to Y^r^ Excellency in their behalf sever'd from His Majestys aforesaid Order, and thereupon offer'd to deliver it to his Excellency but he refused to take it and said he did not know what the Gov^r^ had to do with it at all for the Affair of the Expence lay with the Committees of both Provinces and Lastly This Declarant saith that in the aforesaid Discourse with His Excellency, His Excellency told him that he had some months before receiv'd a Copy of His Majestys aforesaid Order from England. And further this Declarant saith not.

BENJAMIN POLLARD.

BOSTON, Dec^r^ 30th, 1740.

BOSTON, January 12th, 1740.

Suffolk Sc.

Mr. Benjamin Pollard appearing before me the Subsc[r]iber One of His Majestys Justices of the Peace for the County aforesaid and made Oath to the truth of the above Declaration by him subscribed.

JOSHUA WINSLOW.[1]

Remarks were made during the meeting by Messrs. SANBORN and HART.

[1] The paper also bears the following memorandum in pencil: "Given by Mrs. Mary Sheafe Israel to James Rindge Stanwood, March 8, 1885."

MEMOIR

OF

JOHN FISKE.

By WILLIAM ROSCOE THAYER.

John Fiske died at the Hawthorne Inn, East Gloucester, Massachusetts, on July 4, 1901. He had been in his usual health until a few days previous, when a spell of great heat began to tell upon him. As his exhaustion became alarming, he was taken to Gloucester by boat on July 3, but it was too late.

John Fiske's name was originally Edmund Fiske Green, and he was born at Hartford, Connecticut, March 30, 1842, the son of Edmund Brewster and Mary (Fiske) Green. After his father's death, his name was changed to John Fiske, the name of his mother's grandfather. Mrs. Green married, in 1855, Edwin W. Stoughton, who was later American Minister to Russia. The boy's childhood and youth were spent chiefly in Middletown, Connecticut. He fitted for college at H. M. Colton's school there, at Betts Academy, Stamford, and in Cambridge with Andrew T. Bates.

From infancy he showed remarkable precocity. At seven he had read a large part of Cæsar, and was reading Rollin, Josephus, and Goldsmith's "History of Greece." Before he was nine he had read nearly all of Shakespeare, and much of Milton, Bunyan and Pope. He began Greek at nine. By eleven he had read Gibbon, Robertson and Prescott, and most of Froissart, and he wrote from memory a chronological table from B. C. 1000 to A. D. 1820, filling a quarto blank book of sixty pages. "At twelve," to quote from an account he once gave of his youth, "he had read most of the *Collectanea Graeca Majora*, by the aid of a Greek-Latin dictionary, and the next year had read the whole of Virgil, Horace, Tacitus, Sallust and Sue-

tonius, and much of Livy, Cicero, Ovid, Catullus and Juvenal. At the same time he had gone through Euclid, plane and spherical trigonometry, surveying and navigation, and analytic geometry, and was well advanced in differential calculus. At fifteen he could read Plato and Herodotus at sight, and was beginning German. Within the next year he was keeping his diary in Spanish, and was reading French, Italian, and Portuguese. He began Hebrew at seventeen, and took up Sanskrit the next year. Meanwhile he was delving also in science, getting his knowledge from books and not from the laboratory or the field. He averaged twelve hours' study daily, twelve months in the year, before he was sixteen, and afterwards nearly fifteen hours daily, working with persistent energy; yet he maintained the most robust health, and entered with enthusiasm into out-of-door life."

He joined the Sophomore Class at Harvard in 1860, and graduated with honor in 1863. Then he studied at the Law School, taking his LL.B. in 1865; he was admitted to the Suffolk bar June 11, 1864, and had an office in Boston from February 1 till October 1, 1865. While waiting for clients he read history voraciously, and soon decided to make literature his profession. As early as 1861, while he was a Junior at Harvard, he contributed to the *National Quarterly Review* an article entitled "Mr. Buckle's Fallacies," which is now included in his *Darwinism and Other Essays*. This is one of the most remarkably mature productions by a youth under twenty in English, and it gave him an immediate reputation.

Fiske soon abandoned the law to devote himself to study and writing. He was one of the earliest of his generation to explore and embrace with enthusiasm the new doctrines in science and philosophy which had the theory of evolution for their basis. Comte, Spencer and Darwin became his masters. He wrote a series of articles on Positivism which the New York *World* published and paid for, — an event which can hardly be regarded as possible in the present state of metropolitan journalism.

His first book, which was preceded by many essays in reviews, magazines and newspapers, was *Myths and Myth-Makers*, published in 1872. This was followed in 1874 by a work which at once attracted wide attention, — *Outlines of Cosmic Philosophy*, based upon a series of lectures which he had delivered

at Harvard in 1869 and 1871, and which he repeated in Boston, New York and London. It was a singularly lucid exposition of the philosophy of evolution, and won for him the intimate personal friendship of Darwin, Spencer and Huxley. After reading this book Darwin wrote to him, "I never in my life read so lucid an expositor (and therefore thinker) as you are." At about this time Fiske made a journey to England, where he had a cordial welcome from men of science and historians. He returned with reputation enhanced, and with plans for half a dozen large works in his mind. Until 1879, however, though he wrote and studied industriously, he was hovering from one subject to another. In that year his appointment as assistant librarian of the Harvard Library ceased, and he was forced to look for some other means of securing a livelihood. Fortunately Mrs. Mary Hemenway, of Boston, had conceived the idea of stimulating the patriotism of the younger generation by providing courses of popular lectures on American History, and, knowing Fiske's ability, she invited him to assist in this undertaking. Thus began the sphere of activity — American History — in which he busied himself during the rest of his life. His course of lectures in the Old South Church led to lecture engagements in all parts of the country.

The long list of Fiske's works includes *The Discovery of America*, *The Critical Period of American History*, *The Beginnings of New England*, *Civil Government in the United States*, *The War of Independence*, *The American Revolution*, *Old Virginia and her Neighbors*, *The Dutch and Quaker Colonies*, *A History of the American People*, *Outlines of Cosmic Philosophy Based on the Doctrine of Evolution*, *Myths and Myth-Makers*, *Tobacco and Alcohol*, *The Unseen World*, *Darwinism and Other Essays*, *Excursions of an Evolutionist*, *The Destiny of Man Viewed in the Light of his Origin*, *The Idea of God as Affected by Modern Knowledge*, *Through Nature to God*, *American Political Ideas Viewed from the Standpoint of Universal History*, *The Mississippi Valley in the Civil War*, *New France and New England*, and *Essays Historical and Literary*. Besides these books, he was the author of innumerable pamphlets and magazine articles, and he did an unusual amount of literary drudgery. He wrote a school history of the United States, and with J. G. Wilson he edited *Appleton's Cyclopædia of American Biography*.

At the time of his death he had engaged to write a systematic *History of America*, in eight or more volumes.

It will be seen that these works fall under three great classes of subjects, — scientific, historical and philosophical. It was as the interpreter and popularizer of the doctrines of evolution that Fiske first made his mark, and until about 1880 his most important work was done in this field. Then he turned his attention to writing history, and this was henceforth his real vocation. It is no exaggeration to say that more than any one else he helped to put an end to the time when American history was the abomination of every schoolboy, the disgust of every collegian, and the aversion of the general reader. Thanks to the charm of his style, the lucidity of his presentation, the unerringness with which he seized on facts of vital human interest, and his geniality, he lifted American history to the highest point in popular favor. He proposed to cover in his way the whole era from Columbus to the Civil War, but, like Parkman, he wrote by topics and not chronologically, going back to fill gaps as his fancy moved him. It is to be regretted that some of these gaps he left unfilled. His method was to use his chapters as lectures, a process which enabled him not only to test them critically in many moods himself, but also to observe their effect on various audiences. After he had sufficiently tested them, he cast them into final shape for printing.

This is not the place for a critical survey of Fiske's rank as a historian; but I may remark that the underestimate which some of the teachers of history made upon him during his lifetime is gradually being corrected. He suffered from the disadvantage of producing narrative history at a time when documentation and textual criticism were regarded as the proper, if not the only legitimate, province of the historian. He was master of an unusually lucid style, at a time when to write so as to interest the general cultivated reader was to incur the suspicion or even the rebuke of those who could not write, but who set the fashion in historiography. He supplied few footnotes, therefore he must be superficial. He was "popular," therefore he could be no scholar: for "popularity" was the final reach of turpitude.

During the past decade, however, a more liberal view of historical writing has gradually come in, until now it is possible

to do justice to John Fiske's remarkable talents and achievement. As a clear and magnetic narrator he had no superior among his American contemporaries, most of whom followed German models while his were French. The piecemeal character of his writing, which resulted in his treating American history by topics or sections instead of chronologically, inevitably deprived the collected volumes of that fused and consistent quality which belongs to the masterpieces. On the other hand, the fact that each section forms an independent whole has assured to it a much wider reading.

More than a dozen years before he died, Fiske gave this account of his historical undertaking: "When John Richard Green was planning his *Short History of the English People*, and he and I were friends in London, I heard him telling about his scheme. I thought it would be a very nice thing to do something of the same sort for American history. But when I took it up I found myself, instead of carrying it out in that way, dwelling upon special points; and insensibly, without any volition on my part, I suppose, it has been rather taking the shape of separate monographs." The writer (presumably Horace E. Scudder) of the brief biographical sketch of Fiske (prefixed to his *War of Independence*), from which this and other facts in this sketch are borrowed, adds that it was the preparation of six lectures on American History, delivered in 1879 at the Old South Meeting House, Boston, that finally determined him to pursue this subject. Of his way of mastering a historical theme, he said: "I look it up or investigate it, and then write an essay or a lecture on the subject. That serves as a preliminary statement, either of a large subject or of special points. It is a help to me to make a statement of the kind — I mean in the lecture or essay form. In fact, it always assists me to try to state the case. I never publish anything after this first statement, but generally keep it with me for, it may be, some years, and possibly return to it again several times."

Fiske's philosophical works — using the word in a broad sense — were the summing up of life as it appeared to his powerful mind, after experience had mellowed and reflection had formulated or corrected. So his *Idea of God*, *The Destiny of Man* and *Through Nature to God* lack the polemical and dogmatic vigor of his earlier writings on evolution, but they are rich in

wisdom, and a large spirit breathes through them, making them models of their kind.

For many years John Fiske was unquestionably the most popular lecturer on serious subjects in the United States. Year after year he delivered annually more than one hundred lectures, and he had frequently addressed equally enthusiastic audiences in Great Britain. He had lectured before the Royal Institution in London and the Philosophical Institution at Edinburgh; and in the summer of 1901 he was to deliver at Winchester, England, the chief address at the millennial celebration of Alfred the Great. His manner on the platform was simple; he had none of the arts of the elocutionist; he even lacked a sympathetic voice. And yet he held his hearers from first to last, not once only, but season after season. The cause is not far to seek, — he invariably had something to say, and he said it simply, with downright veracity, and with a lucidity which appealed to every eager mind.

John Fiske's official relations with Harvard University were desultory: he had not the temperament to work ploddingly, nor to observe the fixed hours for exercises that have to be observed in an institution whose primary object is teaching. In 1870 he was for a few months instructor in History, having previously (1869) been appointed University Lecturer for one year. From 1872 to 1879 he was assistant librarian, bridging the critical period in the development of the Harvard Library during the last part of Sibley's régime and the beginning of Justin Winsor's. From 1895 to 1897 he was again a lecturer on a special appointment, and it was during one of these winters that he delivered his course on the "Mississippi Valley in the Civil War." His last public service to the University was when, a few months before his death, he gave the Ingersoll Lecture on Human Immortality. He was Overseer from 1879 to 1891, and was elected a third time in 1899. In 1884 he was made non-resident professor of American History in Washington University, St. Louis, Missouri, an appointment which involved the delivery of a course of lectures each year, but which left him otherwise greater freedom than most professors enjoy. Harvard conferred the degree of Doctor of Laws on him in 1894, and in the same year the University of Pennsylvania made him a Doctor of Letters. He was a member of the Massachusetts

Historical Society, a Fellow of the American Academy of Arts and Sciences, and an active or a corresponding member of many other societies.

We may safely say that no other American man of letters, or indeed scholar, has equalled Fiske in the variety of his learning and in his mastery of it. Merely as a linguist, his attainments were extraordinary; besides English, he used Greek, Latin, French, Spanish, Portuguese, Italian, German, Dutch, Danish, Swedish, Icelandic, Gothic, Roumanian, Russian, Hebrew, Chaldee and Sanskrit. His reading embraced not only a vast number of historical works, but the best works in all literatures, ancient and modern. He had explored the great currents of philosophy, and he had what men of letters have usually lacked, a real talent for science, whether as an investigator, a generalizer or an interpreter. His own contribution to the theory of evolution — the demonstration of the importance of the prolongation of infancy in the human young — showed his ability as a discoverer in science. He was a prodigious worker, but not a worker by schedule. On occasion, he would write ten or twelve hours at a sitting. A lover of music, he sang, and played both the piano and the violin. When he was fifteen without a master he learned to play on the piano such a work as Mozart's Twelfth Mass; later he studied the science of music, and composed a mass and songs. He delighted in amateur gardening.

In 1884 Fiske replied characteristically as follows to an inquirer regarding his methods of work:

I am forty-two years old, six feet in height, girth of chest forty-six inches, waist forty-four inches, head twenty-four inches, neck eighteen inches, arm sixteen inches, weight two hundred and forty pounds, complexion florid, hair auburn, beard red. Am alert and active, appetite voracious, sleep sound. I work by day or night indifferently. My method, like General Grant's, is to "keep hammering." I sometimes make an outline first. Scarcely ever change a word once written. Very seldom taste coffee or wine, or smoke a cigar. But I drink beer freely (two or three quarts daily for the past twenty-four years), and smoke tobacco in a meerschaum pipe nearly all the time when at work. Have been in the habit of working from twelve to fifteen hours daily since I was twelve years old. Never have a headache, or physical discomfort of any sort. I prefer to work in a cold room, 55° to 60° F. Always sit in a draft when I can find one. Wear the thinnest clothes I can find, both in winter

and summer. Catch cold once in three or four years, but not severely. Never experienced the feeling of disinclination for work, and therefore have never had to force myself. If I feel at all dull when at work, I restore myself by a half-hour at the piano.[1]

Even in so brief a sketch as this, mention should be made of two of Fiske's marked characteristics — his approachableness and his devotion to his friends. He was hail-fellow-well-met with everybody, but most of all with children. His friendships included not only distinguished men, like Huxley and Parkman, both of whom he commemorated in beautiful essays, but others less celebrated but not less dear, like Professor Youmans, whose biography he wrote, and cronies to whom he dedicated many of his books.

In stature John Fiske was tall, fully six feet, and after forty he grew so stout, weighing nearly 300 pounds, that he tersely described his dimensions as "72 × 56 inches." Of light complexion, with curly reddish beard and grizzled hair, his large spectacles and not mobile features suggested the stolid German professor; but a few minutes' conversation revealed him as he was, — responsive, penetrating, almost boyish in his frankness, the least self-conscious of celebrities, the most unpedantic of great scholars. He took a deep interest in public affairs, although he never participated in them. By temperament an independent and a liberal, he joined the Mugwump seceders in 1884. Toward the end of his life he accepted the presidency of the Anti-Immigration League, because he felt that we had gone too far in admitting undesirable foreigners to the United States. Although he disapproved of the Spanish War, he acquiesced in its results; at least he detached himself from the Anti-Imperialists, with whom he had first sympathized.

On September 4, 1864, Fiske married Miss Abby M. Brooks, of Petersham, by whom he had six children. For many years his home was at No. 22 Berkeley Street, Cambridge; he usually spent his summers at Petersham, and there he is buried.

[1] This letter, dated July 19, 1884, was written to Dr. H. Erichsen. The original is in the collection of Grenville H. Norcross.

NOVEMBER MEETING.

THE stated meeting was held on Thursday, the 14th instant, at three o'clock, P. M.; the PRESIDENT, Mr. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Corresponding Secretary, in the absence of the Librarian, reported the list of donors to the Library since the last meeting.

The Cabinet-Keeper reported the gift, from the estate of Mrs. Mary Elizabeth Young, of eight photographs and engravings; and of a photograph of a portrait-sketch of Martha Washington, drawn by Alexander Hamilton, the original being in the papers of Baron Von Closen, of Rochambeau's army.

The Editor announced the Bradford, *History of New Plymouth*, for early publication.

Governor LONG read the following paper:

THE CIVIL WAR.

Northern sentiment has steadily grown more tolerant towards the Southern States in the matter of the civil war of half a century ago. Mr. Rhodes' finely impartial history, the oration on General Lee by our President, Mr. Adams, the recent studies of Southern leaders by Mr. Bradford, are all indications and accompaniments, more perhaps than causes, of this increasingly liberal spirit.

Guess is not history, though history is sometimes not much better than guess. And recalling those secession days I have at times been interested in guessing whether the Southern Confederacy would not have stood a better chance of success by non-resistance than by fighting. You cannot make much impression on a bag of feathers by striking it. Could the North have subdued the South if there had been nothing to strike and no resistance to overcome? Such are our constitu-

tional limitations that non-resistance, paradoxical as it may seem, would probably have been irresistible.

Suppose that South Carolina had made no attempt to secure Fort Sumter; that all the United States forts, arsenals and public buildings in the South had been simply let alone; that the Confederate Union of the Southern States had been organized as it was, its Confederate officials chosen, post-offices and custom houses of its own established, and the United States quietly told that it might run its machine and the Confederates would run theirs. Under the overwhelming pressure of local public sentiment, every United States postmaster in the South, every custom-house official, every federal judge and marshal, as well as scores of army and navy officers would have resigned. If the United States had attempted to enforce its authority by legal process, no jury could have been found to convict any Southern man accused of an offence against the laws of the United States. Trials would have had to be in the vicinity, that is, in the respective Southern States. The South keeping the peace, no sufficient ground for sending an army into it would have existed, and the suggestion of such action would have run against what in that case would have been the very strong and probably controlling conservative opinion of the North, and would have awakened sympathy and caused a reaction of feeling. Horace Greeley's advice that the Separating Sisters be let go would have had many and an increasing number of followers. The Democratic party, instead of being almost entirely shifted from its proslavery and Southern sympathies by the firing on Sumter and by the military preparations of the South, would have continued shouting the old constitutional arguments of Calhoun, Hayne and Jeff. Davis. Military leaders like Generals Butler and Sickles and Logan, and all the great mass of citizens of whom they were typical, also a large part of the conservative Whig element, the whole Tammany organization, and many of the commercial interests which were imperilled by the prospective loss of trade, all these would have been reluctant if not resolutely refusing to sanction the invasion of an unresisting State by a federal army. No Harvard or other college student would have been fired with patriotic ardor. Concession to the South or compromise with it would probably have ensued or, if not that, Greeley's com-

plete acquiescence in its separation would have stood a chance to materialize. And masterly inactivity, or in short the being simply a bag of feathers, yielding if struck but at once resuming its place unhurt, might have accomplished what four years of bloody war with its final utter impoverishment failed to effect.

However it must be admitted that such a policy was practically impossible. It would have been as easy to stop a hurricane with a mosquito netting as to stay that fiery outburst of the Southern spirit. But it is interesting to speculate on what might have been.

As one result of this later more liberal sentiment towards the South, the conflict is no longer regarded as so much a rebellion as a civil war. Will not that be the final historic verdict? The grim verdict of war has now finally and forever settled the constitutional question, but in 1860–61 there was very great weight in the Southern view as stated by Jeff. Davis. Admitting that nullification was indefensible, he clearly distinguished it from secession, which he claimed was a State's reserved right which had never been surrendered to the federal government by an express delegation of power. There is little doubt that in the earlier days of the government it was the accepted opinion that the federal government had no power to coerce a State and that each original State had a sovereign right to withdraw from the Union. That thoroughgoing Federalist Timothy Pickering, then a senator, and Josiah Quincy, arguing in Congress against the admission of Louisiana, recognized the right of dismemberment. Even Alexander Hamilton, the great centralizationist, said that "to coerce a state is one of the maddest projects ever devised." The Hartford Convention of New Englanders in 1814 evidently had no doubt of its own justification, if its proceedings should result in the dismemberment of the Union. It is not improbable that at that date the Supreme Court would have recognized the federal constitution as a compact, as Massachusetts did in express terms when ratifying its adoption, and would have strictly construed the constitutional provision that all powers not expressly delegated to the federal government are reserved to the States, and would have held that, as no power is expressly so delegated to coerce a State to remain in the Union,

no such power exists. Had one of the members of the Hartford Convention been arrested for treason, is there any doubt that he would have been acquitted, and that, if he had been defended by the godlike Daniel, the latter would have made as convincing a constitutional argument for his client as some fifteen years later he made against nullification in his epochal and unanswerable reply to Hayne? Nullification was of course a very different thing from secession, which is practically only another name for revolution. And the right of revolution and of taking the chances of being hung for treason, if it turns out unsuccessful, neither Webster nor anybody else denied, to say nothing of Calhoun's argument that it was reserved state rights under the Constitution. If these early constitutional views were then correct, rebellion is hardly the term to apply to a withdrawal from the Union. No wonder that that amiable old public functionary, James Buchanan, was bewildered.

Was the war therefore not justified? Was the splendid outpouring by the North of its blood and treasure not justified? By no means. Whether or not it was rebellion, it was war — a war precipitated by the South. Had the South been content with the policy of masterly inactivity to which I have referred, it would at least have stood a better chance of success; but when it went further and fired its guns on Sumter and the national troops in it, sought to prevent the movement of United States vessels to carry them relief, and took possession of United States property, the South gave the same cause for war that any foreign nation would have given by the same course of action. Many an international war has started from slighter causes. It only needed this spark to set the whole North afire. The South in its desperation had struck us on the cheek, and we turned not the other but struck back. Then it became war, simply war, international war if it pleased the South to consider it so, though, on that theory of its own, the exercise by Lincoln of war powers, his emancipation proclamation, and Sumner's theory of treating the defeated Confederate States as conquered territory become more easy of defence. But it was a war which in fact, whatever the theory, the North at once recognized as a war for union, freedom and human rights — war of which Mrs. Howe's verses were the battle hymn; and then came that melting of all the old parties into patriotic

blend as far as the national integrity was at stake. Then came that splendid outpouring of the blood and treasure of the North, that glow of patriotism which swept like a flame over the whole land, that chivalrous giving of youth and life itself to a holy cause, and that loyal appeal to arms in which you, Mr. President, did the soldier's part and earned the military title by which we who have known you longest still delight to call you.

Dr. ALLEN read a paper on

STATE NAVIES AND PRIVATEERS IN THE REVOLUTION.

During the Revolution the Americans carried on hostilities at sea in three classes of vessels: first, Continental vessels; second, the state navies; third, privateers, commissioned either by the Continental Congress or by the various states, and in some cases by both. Public vessels cruising under Continental authority comprised not only the Continental navy, strictly speaking, including vessels fitted out in France, but also the fleets organized by Washington in Massachusetts Bay in 1775, and later in New York; by Arnold on Lake Champlain in 1776; and by Oliver Pollock in 1778 on the Mississippi River. The fleets of Washington and Arnold were manned by the army and took an active part in the military campaigns of the first two years of the war, the operations in Massachusetts Bay being designed to render more nearly complete the investment of Boston, at that time besieged by the American army.

In the beginning there was strong opposition to the participation of the Continental government in naval affairs. Maritime enterprise was looked upon as a matter of local defence, and to many it appeared sheer madness to send ships out upon the sea to meet the overwhelming naval force of the enemy. This feeling, together with the sentiment of local independence and the loose federation of the colonies, united only for mutual protection, naturally led to the establishment of separate small navies by most of the states, supplemented by privateers; the needs of local defence moreover were too urgent to wait for the deliberations of the Continental Congress. Many public men, however, believed a national naval force essential, and their views prevailed; so there grew up side by side three distinct

classes of naval service. Elbridge Gerry wrote from Watertown, October 9, 1775, to Samuel Adams at Philadelphia: "If the Continent should fit out a heavy ship or two and increase them as circumstances shall admit, the Colonies large privateers, and individuals small ones, surely we may soon expect to see the coast clear of cutters." [1]

Eleven of the thirteen states maintained armed vessels, New Jersey and Delaware being the exceptions. At the outset naval administration in the various states was generally in charge of the Committee of Safety, and later, of the state executive or of a board which had under its care naval affairs alone or in combination with military affairs. The state navies varied much in size and force. Being used chiefly for coast defence, the vessels were usually smaller than those of the Continental navy, and many of them were merely boats and galleys adapted for operating in shallow waters. Some of the state ships, however, were ocean cruisers of considerable size and force.[2]

The first American armed vessels commissioned by any public authority were two sloops fitted out by Rhode Island, June 15, 1775. The people of this colony had been annoyed by the British frigate *Rose*, cruising in Narragansett Bay. These sloops immediately went to sea under the command of Abraham Whipple, and on the same day, June 15, chased ashore and destroyed a tender of the *Rose*.[3] One of the sloops, the *Katy*, was subsequently taken into the Continental service under the name *Providence*. The state of Rhode Island afterwards kept a small force cruising in the bay.

In the course of the war the Massachusetts navy comprised fifteen sea-going vessels and one galley. The Provincial Congress of Massachusetts, after some ineffectual attempts in June, 1775, to provide for armed vessels, made a beginning August 21 by taking two small vessels from Machias into the service of the colony. The actual establishment of a state navy, however, came in the following winter, when a committee was appointed, December 29, "to consider and report a plan for fitting out Armed Vessels for the defence of American

[1] *American Archives*, Series IV. III. 993.

[2] For the state navies, see Paullin, *Navy of the American Revolution*, ch. xi.–xvii.

[3] *Boston Gazette*, July 3, 1775; *American Archives*, Ser. IV. II. 1118; *British Admiralty Records, Admirals' Despatches, 485*, June 18, 1775; *Historical Magazine*, April, 1868; Field, *Life of Esek Hopkins*, 63–67.

Liberty."[1] In decisive action looking towards a naval force Connecticut preceded Massachusetts. Early in July, 1775, two vessels were provided for and in August they were purchased. A valuable prize was taken in October. Connecticut fitted out twelve vessels during the war, four of them galleys.[2]

Pennsylvania began, July 6, 1775, by providing for the defence of the Delaware River by means of boats and galleys. The Pennsylvania navy consisted of about ten vessels and nearly thirty boats and galleys for river and bay protection. The fleet was under the command of a commodore, and performed its most notable service in the valiant though unsuccessful defence of the Delaware River against Admiral Howe's fleet after the occupation of Philadelphia by General Howe in 1777.[3] As regards the two remaining northern states, New York's naval enterprise was confined to organizing a small fleet in 1776, for local defence. The early occupation by the British of New York city and the adjacent waters prevented any further operations.[4] New Hampshire voted in 1776 to build a galley and appointed a committee to procure an armed vessel. After this her whole naval activity, aside from encouraging privateering and setting up a prize court, consisted in fitting out a twenty-two-gun ship for temporary service in 1779.[5]

The Virginia navy, authorized by the Provincial Convention in December, 1775, comprised first and last seventy-two vessels of all classes including many ships, brigs and schooners; but apparently most of them were small, poorly manned and lightly armed, and were used largely for commerce. The naval duties of the fleet were confined mostly to Chesapeake Bay.[6] Maryland shared with Virginia the defence of Chesapeake Bay,

[1] *Journal Third Provincial Congress of Massachusetts*, June 7, 11, 13, 20, 1775; *Records of General Court of Mass.*, December 29, 1775, January 11, February 7, 8, 17, April 20, 1776; *Paullin*, ch. xi.

[2] *Papers New London Hist. Soc.*, Part IV. I. (1893), 34; *American Archives*, Ser. IV. III. 264–266; *Paullin*, ch. xii.

[3] *American Archives*, Ser. IV. III. 495, 510, 511, 858, 862, 1811, 1820, 1836, 1839; IV. 515, 521; *Penn. Archives*, 2d Series, vol. I.; Wallace, *Life of William Bradford; Paullin*, ch. xiii.

[4] *Journal Prov. Congress of New York*, I. 228, 349; *American Archives*, Ser. IV. V. 1401, 1450.

[5] *Ib.*, 10, 15, 17, 24; *Paullin*, ch. xvii.

[6] *Southern Literary Messenger*, January, 1857; *American Archives*, Ser. IV. IV. 114, 866, V. 227, VI. 1598; *Paullin*, ch. xiv.

and in addition to one vessel of some size and force, maintained a considerable fleet of galleys, boats and barges.[1] The chief concern of North Carolina was to protect and keep open Ocracoke Inlet, connecting Pamlico Sound with the ocean, through which an important part of the commerce, not only of North Carolina but of Virginia, was carried on. A small fleet for this purpose was stationed in the sounds.[2] Georgia's navy was small and unimportant, consisting mostly of galleys. A schooner, however, was commissioned as early as June, 1775.[3]

The defence of Charleston required a considerable force and South Carolina was among the first states to begin the organization of one. She appears to have had a navy of about fifteen sea-going vessels, some of them larger and more heavily armed than any other state or Continental ships. The force also included several galleys. The ships of South Carolina cruised more at sea than those of any other state except Massachusetts and perhaps Connecticut. In 1778 four of them sailed with the Continental frigate *Randolph* on a cruise which ended in the loss of the frigate. In 1780 the state purchased two large ships from France for the defence of Charleston, but they seem to have accomplished little and were sunk in the Cooper River for the obstruction of the channel. In 1782 the state navy was reinforced by a powerful forty-gun ship called the *South Carolina*. This vessel had been originally built at Amsterdam for the Continental navy, but owing to international complications involving the neutrality of Holland she had been sold to the king of France and eventually passed into the service of the state of South Carolina. Her achievements were comparatively unimportant. She took part in a Spanish expedition from Havana which captured the island of New Providence, for the third time during the Revolution. Not long afterwards the *South Carolina* was herself captured by a British squadron.[4]

Of all the state navies that of Massachusetts did the most ocean cruising. Although Massachusetts Bay was frequently visited by British ships, the harbors of Boston and other towns

[1] *American Archives*, Ser. IV. v. 1509, 1510.

[2] *American Archives*, Ser. IV. v. 1357, 1363.

[3] *Paullin*, ch. xvi. for Georgia, Maryland and North Carolina.

[4] *American Archives*, Ser. IV. III. 180, IV. 45–54; *Penn. Gazette*, March 5, June 4, October 19, 1782; *Paullin*, ch. xv.

in the state were generally clear of the enemy after March, 1776. Owing to the British occupation, a great part of the time, of Newport, New York, Philadelphia and Charleston, and their blockade of Delaware and Chesapeake Bays, and to other circumstances, those places were less available, and consequently Boston became by far the most important naval port of the Revolutionists. Six vessels were built in 1776, of which the brigantines *Tyrannicide* and *Massachusetts* and sloop *Freedom* rendered the most important service. These three vessels visited Europe in 1777, taking several prizes during the passage. Other and larger ships were added to the navy in later years. On account of losses there were never more than three or four vessels in service at any one time after 1776.

The attention of the Massachusetts General Court and Board of War in naval matters was directed chiefly to cruises off the coast of New England and Nova Scotia and on the Banks of Newfoundland and to voyages to France and the West Indies, of which several were made. The objects of these voyages were both naval and commercial. August 5, 1777, the Board of War instructed Captain Fisk of the brig *Massachusetts*, which had returned from France two weeks before, to cruise in the track of homeward bound West Indiamen and "to use your utmost Endeavours to take, burn, sink and destroy all armed and other Vessels, together with their Cargoes, belonging to the Subjects of the King of Great Britain, Enemies to the United States of America and the natural Rights of Mankind." [1] The next day the Massachusetts Council adopted the following measure: "Whereas our Enemies have several small Cruisers upon this Coast, and even in Boston Bay, which have taken several of our Coasting Vessells and greatly Obstructed our Navigation; And as the Continental and State Vessels, as also most of the Private Vessels of War, are improper to be employed for Clearing the Coast of these Vermin, therefore Resolved, That the Board of War be and they hereby are directed, without Delay, to take such Measures for taking or destroying all such Cruisers as aforesaid, as they shall judge most proper." [2]

[1] *Mass. Archives*, CLI. 426.
[2] *Ib., Revolutionary Rolls*, XLIV. 268.

In 1779 came the disastrous Penobscot Expedition. The Massachusetts navy consisted of three vessels only at that time, the brigs *Tyrannicide*, *Hazard* and *Active*, and all three were lost in Penobscot Bay, as well as twelve privateers temporarily in the service of the state and many other vessels. The Massachusetts navy therefore was for the time being without a cruising ship, but there was then under construction the largest ship in the state's service, a frigate of twenty-six guns called the *Protector*. Two other vessels were provided for in 1780.

The *Protector*, under the command of Captain John Foster Williams, sailed on a cruise to the eastward in the spring of 1780 and on June 7 fell in with the British letter of marque *Admiral Duff*, of thirty-two guns. One of the hardest fought engagements of the war then followed which lasted an hour and a half, when the *Duff* took fire and blew up. The next year the *Protector* was captured by two British ships. The Massachusetts navy continued in existence until the end of the war and the last vessel, the sloop *Winthrop*, was cruising as late as June, 1783.

The two most notable vessels of the Connecticut navy were the ships *Defence* and *Oliver Cromwell*. In 1776 the *Defence* cruised in Massachusetts Bay and took part in the capture of British transports, several of which fell into the hands of the Americans while running into Boston after the evacuation of the town. In May, 1776, Captain Seth Harding of the Connecticut navy, afterwards of the Continental navy, captured a number of tories in Long Island Sound. Governor Trumbull acknowledged Harding's reports "communicating alarming intelligence of a most unnatural and traitorous combination among the inhabitants of this Colony. Possessed of and enjoying the most valuable and important privileges, to betray them all into the hands of our cruel oppressors is shocking and astonishing conduct, and evinces the deep degeneracy and wickedness of which mankind is capable. Have laid your communication before my Council. They are equally shocked at this horrid baseness, and will with me be ready to come into any proper measures to defeat and suppress this wicked conspiracy to the utmost of our power; and in the mean time approve and applaud your zeal and activity to discover and appre-

hend any persons concerned in this blackest treason." [1] In 1778 the *Defence* and *Oliver Cromwell* cruised in company and captured two British privateers after an hour's engagement. In 1779 the *Defence* was wrecked and the *Cromwell* was captured by the British.[2]

Privateers composed a very important class of vessels employed during the Revolution. The word privateer was used at that time, and later too, with the utmost disregard of its true meaning. Persons with an understanding of maritime affairs constantly spoke of Continental and state cruisers, especially the smaller ones, as privateers. The term was often wrongly used even in official correspondence. It is necessary that lines should be sharply drawn between these different classes of armed vessels. Letters of marque, so called from the letters or commissions they carried, were armed trading vessels authorized to make prizes. They also were generally and more properly called privateers. The latter name should, strictly speaking, be reserved for private armed vessels carrying no cargo and devoted exclusively to warlike use. All kinds of armed vessels, however, during the Revolution, even Continental frigates, were employed under special circumstances as cargo carriers.

The General Court of Massachusetts, November 1, 1775, passed "An Act for Encouraging the Fixing out of Armed Vessells, to defend the Sea Coast of America, and for Erecting a Court to Try and Condemn all Vessells that shall be found infesting the same." The Continental Congress authorized privateering March 23, 1776, and on April 2 and 3 adopted a form of commission for privateers and resolved to send copies in blank, signed by the President of Congress, to the various colonies, there to be issued to privateersmen giving bonds; a set of instructions for commanding officers was drafted. Several of the colonies or states used these Continental commissions altogether, not establishing state privateering; but New Hampshire, Massachusetts, Rhode Island, Maryland, South Carolina, and some of the other states issued their own commissions,

[1] *American Archives*, Ser. IV. VI. 503.

[2] *Trumbull* Mss., VIII. 149; IX. 93, 95, 237; XXVI. 42, 46; *Log-Book of Timothy Boardman* (Albany, 1885), 51, 52.

although most of them also employed those of the Congress. The American Commissioners in Paris and the naval agent of Congress in the West Indies likewise commissioned privateers.

A rough estimate only of the total number of American vessels engaged in privateering on the patriotic side during the Revolution is possible. The Library of Congress has printed a list of nearly seventeen hundred letters of marque issued by the Continental Congress to privateers carrying, approximately, fifteen thousand guns — probably light ones for the most part — and fifty-nine thousand men. After deducting duplicates, that is to say, in cases of two or more commissions being successively issued to the same vessel, and deducting also armed boats and galleys, there remain more than thirteen hundred sea-going vessels. Massachusetts issued nearly a thousand commissions, probably representing more than seven hundred different vessels, after making the same proportionate allowance for duplicates. Several hundred additional privateers must have been commissioned by other states and by the American Commissioners and minister in France and the naval agent at Martinique. Assuming the total number of privateers to have been two thousand, and there were probably a good many more, they doubtless carried very nearly eighteen thousand guns and seventy thousand men. There seem to have been about the same number of British privateersmen, according to Governor Hutchinson, who, speaking of the difficulty of manning the British navy, says June 27, 1779: "Some have proposed pressing the crews of all privateers, in which service it is computed 70,000 men are employed." [1] Judging from the scanty information at hand concerning British privateering, it is probable that their vessels engaged in this form of warfare were less numerous but superior in force to the American; the latter seem to have carried on the average between eight and nine guns and less than thirty-five men, the British about seventeen guns and seventy-five or more men.[2]

[1] *Diary*, II. 264.

[2] *Naval Records of American Revolution* (calendar), 217–495; Emmons, *Statistical History of the Navy*, 127; *Mass. Archives*, CLXIV. to CLXXII.; *Paullin*, 148, 340; Williams, *History of Liverpool Privateers*, App. iv.; *London Chronicle*, April 1, 29, 1779; *British Admiralty Records, Admirals' Despatches*, 489, February 27, 1779; *Diary and Letters of Thomas Hutchinson.*

Valuable service to the country was rendered by the privateers and they contributed in a large degree to the naval defence, and so to the fortunate outcome of the war. On the other hand the system was subject to abuses and was in many ways detrimental to the regular naval service. William Whipple, writing to Josiah Bartlett from Portsmouth, July 12, 1778, says: "I agree with you that the privateers have much distressed the trade of our Enemies, but had there been no privateers is it not probable there would have been a much larger number of Public Ships than has been fitted out, which might have distressed the Enemy nearly as much and furnished these States with necessaries on much better terms than they have been supplied by Privateers? . . . No kind of Business can so effectually introduce Luxury, Extravagance and every kind of Dissipation, that tend to the destruction of the morals of people. Those who are actually engaged in it soon lose every Idea of right and wrong, and for want of an opportunity of gratifying their insatiable avarice with the property of the Enemies of their Country, will without the least compunction seize that of her Friends. . . . There is at this time 5 Privateers fitting out here, which I suppose will take 400 men. These must be by far the greater part Countrymen, for the Seamen are chiefly gone, and most of them in Hallifax Goal. Besides all this, you may depend no public ship will ever be manned while there is a privateer fitting out. The reason is plain: Those people who have the most influence with Seamen think it their interest to discourage the Public service, because by that they promote their own interest, viz., Privateering." [1] William Vernon, of the Navy Board at Boston, writes to John Adams, December 17, 1778, that the Continental ships in port "may sail in Three Weeks, if it was possible to get Men, wch we shall never be able to accomplish, unless some method is taken to prevent desertion, and a stopage of Private Ships Sailing, until our ships are Mann'd. The infamous practice of seducing our Men to leave the ships and taking them off at an out-Port, with many other base methods, will make it impossible ever to get our ships ready to Sail in force, or perhaps otherwise than single Ships." He wishes that "an Embargo upon all

[1] *Historical Magazine*, VI. 73.

Private Property, whether Arm'd or Merchant ships, may take Place thro' all the United States, until the Fleet is compleatly Mann'd. . . . You can scarsely form an Idea of the increase and groath of the extravagance of the People in their demands for Labour and every Article for Sale, etc.; dissipation has no bounds at present; when or where it will stop, or if a reform will take place, I dare not predict." [1]

A more favorable opinion of privateering was held by John Adams, who after an engagement of the American ship *Thorn* with two British privateers in 1779, wrote: "There has not been a more memorable action this war, and the feats of our American frigates and privateers have not been sufficiently published in Europe. It would answer valuable purposes, both by encouraging their honest and brave hearts and by exciting emulations elsewhere, to give them a little more than they have had of the fame they have deserved. Some of the most skilful, determined, persevering and successful engagements that have ever happened upon the seas have been performed by American privateers against the privateers from New York." [2] Again, writing in 1780 to the President of Congress in regard to commerce destroying, Adams says: "This is a short, easy, and infallible method of humbling the English, preventing the effusion of an ocean of blood, and bringing the war to a conclusion. In this policy I hope our countrymen will join [the French and Spanish] with the utmost alacrity. Privateering is as well understood by them as any people whatsoever; and it is by cutting off supplies, not by attacks, sieges, or assaults, that I expect deliverance from enemies." [3]

No doubt what was then needed, as in every war, was a well-balanced naval force made up of a sufficient number of fighting ships and commerce destroyers. Privateering was more popular than the regular naval service on account of the greater freedom from the restraints of military discipline and because the profits were larger; for privateersmen were devoted almost wholly to commerce destroying and were consequently likely to take more prizes in the long run. In addition

[1] *Publications R. I. Hist. Soc.*, VIII. (1901), 256.
[2] Wharton, *Diplomatic Correspondence of the Revolution*, III. 650.
[3] *Ib.*, IV. 58.

to this and besides having higher pay, the entire value of their prizes went to the owners and captors. When the prizes of Continental cruisers were ships of war, one half the proceeds went to the captors, and in other cases only one third. In October, 1776, Congress increased the shares of the captors to the whole and to one half the value of these two classes of prizes respectively, in order to put Continental vessels more nearly on terms of equality with privateers. Bounties and other inducements were resorted to for the purpose of obtaining recruits.[1]

Privateers were ill adapted for cruising in squadrons and failed in nearly all attempts at co-operation with regular ships or with each other. The miscarriage of the Penobscot expedition was doubtless due in part to this cause. In 1777 a squadron, made up of the frigates *Hancock* and *Boston* and nine privateers, sailed from Boston on a cruise. As a squadron this assemblage of vessels amounted to nothing. With proper co-operation it might have constituted a force capable of meeting with some prospect of success any British squadron it was likely to fall in with. But the privateers took no part whatever in the cruise after the first six days. By that time they had all parted from the frigates, some by choice, the others through bad weather. The cruise resulted in the first serious disaster encountered by the Continental navy — the capture of the *Hancock* by a British squadron.

By reason of delay in fitting out vessels, the loss of ships, and other causes, Continental officers were frequently out of employment in the regular navy and many of them were at all times serving in privateers. A large Connecticut privateer called the *Governor Trumbull* seems to have been at some period of the war commanded by Captain Dudley Saltonstall of the Continental navy. Saltonstall had been appointed in 1776 to command the frigate *Trumbull*, built on the Connecticut River. Owing to a bar at the mouth of the river, this ship was unable to get to sea until 1779. Yet Saltonstall, in obedience to urgent orders, went to sea in 1777, and in a letter dated "In sight of the Capes of Virginia, April 12, on board the Con-

[1] *Journals Continental Congress*, April 17, August 5, October 30, 1776, March 29, 1777, July 11, 1780.

tinental ship of war *Trumbull*," reported the capture of two British transports. It is likely that, on account of the importance of the service to be performed, a vessel was impressed, chartered or borrowed for the occasion, possibly the privateer *Governor Trumbull*.[1]

American privateers cruised in European waters and in the West Indies. These included not only vessels that had sailed from America but also others fitted out in France or in the West Indies and commissioned by the American Commissioners or minister at Paris or by the naval agent at Martinique. The British ambassador to France complained in 1777 that both in France and in the French West Indies vessels were fitted out and manned with French sailors under American captains, given American commissions and then cruised against British commerce. If boarded by a British man-of-war the crews would all talk French and show French papers and nothing could be proved against them.[2]

It appears that most of the privateers fitted out in France under the command of Americans, even when owned by Americans, sailed under the French flag. Dunkirk seems to have been the home port of many if not of the greater part of these vessels. During the war seventy-eight Dunkirk privateers were commanded by Americans, six of them under American commissions; of these six it would appear that two only, the *Black Prince* and *Black Princess*, were owned by Frenchmen. The conduct of these privateers fitted out in France seems sometimes to have been much less orderly than that of American ships in general. The crews were recruited from the heterogeneous seafaring population of the French ports and their commanders were not always able to control them. Respect for private property and for neutral flags was occasionally lacking. Under these circumstances it is easy to understand that Franklin should have been cautious about granting commissions to vessels so far removed from the seat of American authority and likely to be manned by the refuse of French seaports. He gave their commanders very strict

[1] *Remembrancer*, v. 135; *Publ. R. I. Hist. Soc.*, VIII. 212, 214, 225, 229, 231, 256; *Papers New London Hist. Soc.*, Pt. IV. 1. 28; *Trumbull* Mss., VI. 90, 96.

[2] Stevens's *Facsimile* Mss., No. 1548.

orders as to their conduct. After the *Black Prince* and *Black Princess* had cruised about eighteen months with wonderful success, he recalled their commissions. He said in regard to them: "The prisoners brought in serve to exchange our countrymen, which makes me more willing to encourage such armaments, though they occasion a good deal of trouble." [1]

Rear Admiral CHADWICK read extracts from a paper on

THE AMERICAN NAVY, 1775–1815.[2]

The subject I have undertaken this afternoon, a sketch of our earlier navy, is a very congenial one to me. I have a very great affection for the service to which for fifty-one years I have belonged, and through all these years a steadily increasing admiration for it. I thus trust I may be pardoned if I begin with blowing its trumpet a little.

I look upon it as one of the greatest of professions; as the most powerful of the instruments of government, as the greatest of universities for its officers and of public schools for the enlisted men. It necessitates knowledge and management of the mightiest and most complicated of machines, the battle-ship, along with astronomy, steam, electricity. Added to those are the study of war, of strategy and tactics, diplomacy and international law, for navies carry on much of the former and make and execute most of the latter. Finally it fights the country's battles on that great field of action, the Sea. The 50,000 enlisted men of the navy form for this country an unequalled body for their class in discipline, character and efficiency. I would that every American boy could be passed through a four years' enlistment. He would know more fully than now what discipline, command and obedience, respect to superiors and thoughtfulness for inferiors, and sense of duty and obligation mean.

[1] *Diplomatic Correspondence of the Revolution*, III. 364, 801, IV. 26, 33; *Proc. U. S. Naval Institute*, XXXVII. (September, 1911) 933.

[2] This paper was read before the Society of the Cincinnati at its meeting at Newport, Rhode Island, July 4, 1912, and was printed in the *Newport Mercury* July 13. It has been revised by the writer for republication in these *Proceedings*.

So much to define my standpoint.

In 1769, 1770 and 1771 there were put afloat in the American Colonies which became the United States 359 square-rigged vessels, of which 299 were built north of Mason's and Dixon's Line, a fact showing the much greater interest of the northern seaboard in the carrying trade of the time. Lloyd's Register for 1775, comprehending the shipping of the three previous years, shows 3908 British-built vessels of 606,545 tons and 2311 of American build of 373,618 tons. This shows that at this period America was a good second afloat to Great Britain. The average size of the square-rigged ship of the time was about 200 tons register, say roughly 400 tons displacement. Our trade with continental Europe was so restricted by the British law that the colonies could not export the more important articles of their produce to any part of Europe other than Great Britain, nor could they import anything from any part of Europe except through Great Britain. Such restrictions, of which these two facts were but part, played an important rôle in the establishment of the feeling for separation from the mother country. Notwithstanding such laws, there was a very considerable trade carried on with the countries of the Mediterranean. The same restrictions applied to the West India colonies, under other than the British flag, but in vain. The New Englanders persisted in trading with all the islands. This trade, it may incidentally be mentioned, was paid for largely in coin, so that the chief metallic currency of our country for generations was Spanish. Some others no doubt than myself are here who remember the Spanish dollars, levies and fips of our youth, which far into the fifties were much more frequent than the coins of the United States.

Thus, at the outbreak of the Revolution, the colonies were both extensive builders and sailers of ships. We were already a maritime power in so far as the carrying trade was concerned.

On the outbreak of hostilities all the individual colonies except New Jersey and Delaware set up navies of their own, with prize courts and all the other adjuncts of sovereign authority in these matters. Each of the new states appointed its own officers. These navies existed throughout the war, chiefly as a home guard, though extensive cruises were made by some

of the vessels, most of which were very small. Rhode Island was the first to act. The General Assembly on June 15, 1775, two days before Bunker Hill, ordered the chartering of two sloops and appointed Abraham Whipple to the chief command. There was no delay, for on the same day he captured the tender of the frigate *Rose*, the first authorized capture of the war. His courage and vigor caused his appointment as captain in the Continental navy, and he commanded the *Columbus* in Esek Hopkins' expedition in 1776 to New Providence. In 1779 as a privateersman he cut out ten ships from a convoy of 150. Eight arrived safely in Boston, where they brought over $1,000,000. With the four Continental ships of which he was commodore, he was made prisoner at the surrender of Charleston in 1780, and remained so the rest of the war. Nor can mention of Silas Talbot be omitted, whose adventures afloat while a captain and major in a Rhode Island regiment marked him out for naval service. He captured the British armed ship *Pigot* in Seaconnet River in 1778 in the most daring manner, and was given command of her and of the sloop *Argo* with which he made a number of important captures. After a highly successful career afloat for two years, he was captured by a British squadron in 1780, exchanged the next year and found his way home by 1782. His exploits caused his appointment as a captain when the navy was again organized after the Revolution, and he is now remembered through a torpedo boat which bears his name.

Of the state navies Massachusetts led in numbers; the only one of any size of her sixteen vessels, however, was the *Protector* of 26 guns. It will surprise many to know that South Carolina took the lead in the size and importance of the ships owned by a state. She lost her entire navy in the fall of Charleston in 1780 with one exception. This loss included the *Bricole* purchased from France, which carried forty-four 24- and 18-pound guns, and was pierced for sixty. The one vessel which remained was the frigate *Indian*, which was built in 1777 at Amsterdam by the American commissioners. Owing to complications she was sold to France and was given by the king to the Chevalier de Luxembourg. She was "rented" by the Chevalier to a Captain Gillon, then abroad as South Carolina's representative, for

one-fourth of her prizes for three years, was renamed the *South Carolina*, and provided with twenty-eight 32's and twelve 12's. She did not get to sea until August, 1781, reached Philadelphia, via Havana, on May 28, 1782, left for sea in December, and was captured by a British squadron after a chase of eighteen hours and a two-hour fight. This ship and the *Bricole* were larger than any ships of the Continental navy which got into service. South Carolina is still prosecuting her claims for reimbursement for the ship which bore her name 130 years ago.[1]

Washington himself, while besieging Boston, and who was one of those who recognized the importance of an immediate establishment of a naval force to cut off the enemy's supplies, acted on his own initiative and formed a small navy and prize courts of his own. One of those to whom he gave a command, John Manley, showed himself so active and efficient that on Washington's recommendation he was made a captain in the Continental navy, where he was a valiant and able officer.

The subject of these separate forces is admirably treated in Mr. Charles Oscar Paullin's work, *The Navy of the American Revolution*, a book which is devoted not to naval events, but to naval legislation and administration, and which thus has a particular place of its own. I have drawn on it freely for the present paper, as well as, amongst others, on Mr. Edgar Stanton Maclay's excellent *History of American Privateers*.

The first step in Congress toward the establishment of a navy was taken on October 3, 1775, at the instance of the Rhode Island delegates, who had been instructed by the General Assembly of the state on August 26, to bring the question of the establishment of a fleet before Congress. This received impetus by the laying before Congress, two days later, of information of two brigs having left England for Quebec loaded with arms, powder and stores. It was moved that a committee of three be appointed to prepare a plan to intercept these. Strange as it may seem the proposal was strongly opposed by some in Congress, as being initiatory to a Continental navy, as in fact it was, and it was declared by some opposed to be the "most wild, visionary mad project that had ever been imagined. It was an infant, taking a mad bull by the horns;

[1] Paullin, 435–440.

. . . it would ruin the character and morals of all our seamen. It would make them selfish, piratical, mercenary, bent wholly upon plunder, etc., etc." Edward Rutledge of South Carolina seems, according to John Adams, to have been particularly vehement in opposition. However, those in favor of a navy carried the day, and the three men who had most strongly favored naval action were appointed to consider the question of steps to be taken. These were John Adams, of Massachusetts, John Langdon of New Hampshire, and Silas Deane of Connecticut.

They reported in favor of fitting out two ships, one of 10, the other of 14 guns, to cruise for three months to the eastward for the purpose of intercepting British transports. A committee composed as was the first, except that the name of Christopher Gadsden of South Carolina replaced that of John Adams, was directed to estimate the cost. Their report was recommitted to them, and when they reported again on October 30, 1775, it was to add two more vessels, one to mount not more than 20, the other not more than 36 guns, to be employed " for the protection and defence of the United Colonies," as a whole and not only for desultory capture of transports. This phraseology marks a long step forward, a step toward nationalization of the service.

The committee was now increased to seven, the name of Adams again most fitly appearing. For throughout his life John Adams was a warm supporter of the policy of a powerful navy, and transmitted his views to his descendants, who through four generations have made illustrious a family which stands unique in the transmittal through so long a period of so high a level of intellectual power and statesmanship. They have throughout been powerful advocates of naval strength. Their history is thus most honorably interwoven with that of the naval service, of which John Adams must be regarded as one of the chief founders. The words he used in a letter dated April 28, 1776, at Philadelphia, were justified. He said: "I have vanity enough to take to myself a share in the merit of the American navy. It was always a measure that my heart was much engaged in and I pursued it for a long time against the wind and tide, but at last obtained it."

Space does not allow our mentioning Congressional action in

much detail. On November 2, 1775, $100,000 were voted for ships, and the Marine Committee was authorized to select officers and seamen fitted for the service. On November 10th two battalions of marines were established. No officers to be appointed or men enlisted, "but such as are good seamen . . . able to serve to advantage by sea when required." A later governor of Rhode Island, William Jones, an ancestor of the Dyer family, was one who filled these conditions. He was No. 12 in the list of captains. Rules for the government of the navy were passed on November 28; the offices of Captain, Lieutenant, Master, Master's Mate, Surgeon, Chaplain and warrant officers were established. The monthly pay of captain was $32, of able seaman $6.67, later raised to $8. A prize court was established.

These rules were drawn by John Adams, who used as a basis those of the British service.

On December 11, 1775, a committee of twelve was appointed to devise ways and means for furnishing a naval armament. The members of the committee must already have had their minds pretty well made up, for they reported only two days later, and on this report, on December 12, Congress authorized the building of thirteen frigates, five of 32 guns, five of 28 and three of 24. One, the *Raleigh*, of 32 guns, was built in Portsmouth, New Hampshire; the *Hancock*, 32, and *Boston*, 24, were built at Salisbury and Newburyport, Massachusetts; the *Warren*, 32, and *Providence*, 28, at Providence, Rhode Island; the *Trumbull*, 28, at Chatham, on the Connecticut River; the *Montgomery*, 24, and *Congress*, 28, at Poughkeepsie, New York; the *Randolph*, 32, *Washington*, 32, *Effingham*, 28, and *Delaware*, 24, at Philadelphia; the *Virginia*, 28, at Baltimore, Maryland. Six of these, the *Montgomery*, *Congress*, *Washington*, *Effingham*, *Delaware* and *Virginia*, never got to sea; they were destroyed to prevent capture, except the *Virginia*, which was actually taken.

On December 22, 1775, Congress appointed Esek Hopkins, a brother of Stephen, commander-in-chief of the navy, the only person ever holding such an office, and appointed captains and lieutenants for the purchased ships *Alfred*, 24, *Columbus*, 20, *Andrea Doria*, 14 and *Cabot* of 16 guns. The captains were Saltonstall, Whipple, Biddle and John B. Hopkins. The first

of the lieutenants named was John Paul Jones. Esek Hopkins' career was, however, short. His expedition with the *Alfred*, *Columbus*, *Andrea Doria*, *Cabot* and a few schooners and sloops to Nassau, New Providence, in March, 1776, and the escape from capture by his squadron of the British frigate *Glasgow* which had been met off Long Island as he was returning, caused much adverse criticism which resulted in a too summary dismissal by Congress. He was undoubtedly hardly treated. He seems to have made enemies among his officers by much harshness of manner, but this was common to them all, as a rule, reared as they all had been in the rough merchant-ship school of the period. One has but to read Fanning's narrative and his account of Paul Jones as captain, to comprehend how rough this was.[1] Certainly Hopkins did not deserve the treatment awarded him.

The vessels which have been named constituted the main part of the navy during the war. It was hopeless with such to meet the powerful ships of Great Britain, which when the war began, though the navy was in a very ill-prepared and ineffective condition, numbered 270 and when it closed, 468, and of which 174 were ships of the line carrying each from 60 to 100 guns. During these eight years the number of men in the British navy was increased from 18,000 to 110,000. The maximum at any time of the American navy was but 34 ships carrying on the average 20 guns each, and no one more than 36, except the *Bon Homme Richard*, which carried 42. Our frigates usually carried 12, 9 and 6-pounders; the larger British ships, 18, 24, 32 and 42-pounders. Our largest frigates were less than 140 feet long, and about 34 feet beam. Many a yacht of to-day is larger. The province of the navy thus naturally drifted towards keeping up communication with Europe. It carried envoys, despatches, information, duties which were essential to America's cause. Our ships fought when occasion served, and made many important captures. But in respect to captures, it did not and could not play the important rôle of the privateers, which cruised in vastly greater numbers and in a service which was much more profitable and more to the taste of our seafaring population. So much was this the case that our regular navy was manned with great difficulty, and not infrequently

[1] This has lately been published by the Naval History Society, New York.

with a large proportion of English; so many in one instance that there was an attempted mutiny with design to seize and carry the ship into an English port.

The situation of the United States was, in the matter of material of war, not unlike that of the Southern Confederacy. We had to live off the enemy or by what we could obtain directly from Europe. Arms, ammunition, cannon, clothing, cordage and other ship equipment were absolute necessities to us, and these were provided in very great degree by the captures made by the navy and by the privateersmen. These latter swarmed on both sides. Captures were made by the hundred, and though many American vessels were seized, such as we lost were far less in value than those taken by us. Some of the latter brought over a million dollars. With the possibility of such gains, one can readily see that the thrifty sailorman of the time would rather take his chances in the private armed ship.

And we must say here a special word for the privateersman. The Colonies had had a long training in such work, particularly in the Seven Years' War of 1756 to 1763. It was too an era when the slave trade was respectable and even piracy not entirely disreputable, so there were few seafaring men who did not take a turn at adventure. Thus, at the outbreak of the Revolution, privateering was in the mind of every seaman. Almost every captain of the Continental navy served at one time or another as a privateersman, for it was from the merchant service of course that all our early naval officers had to be drawn. Truxtun, Biddle, Barney, Talbot, Barry and Hopkins had all had such experience. The privateers immensely outnumbered the ships of the Continental navy. The latter, which had 31 ships in 1776 and 34 in 1777, had gradually dwindled to but 7 in 1782; whereas the privateers in the same years, beginning with 1776, numbered in the several successive years 136, 73, 115, 167, 228, 449 and 323. The 449 of 1781 carried 6735 guns against the but 164 of the Continental ships. The value of the captures of the Continental navy was out of proportion to the number of ships employed, being about $6,000,000 against the $18,000,000 of the privateers. Altogether some 800 vessels were captured. It must not be supposed, however, that we did not suffer also. Our losses were very

great, but not nearly those of Great Britain. About 16,000 prisoners were taken by the Americans afloat, being but 6000 less than those taken by the land forces. These numbers were greatly exceeded in the War of 1812, when over 30,000 prisoners were made afloat against 6000 ashore, and the value of the captures rose to $45,000,000. The British losses became a great factor toward peace in both wars.

I would like here to make a point: the interest of England lay in a strict blockade and not in keeping her fleet massed. Had American ports been blockaded in the Revolution as were those of the Confederacy in our Civil War, the Colonies would have been reduced to inanition as were the Southern States, and the British army would have won over an army starved of fighting essentials as did our own over the armies of the South reduced to destitution. The blockade was an essential to our success in the latter case; it was an equal essential to the success of the British, but this fact was understood by few and these few were not listened to. One must also take into account the fact already mentioned, that the Admiralty Board of the period had allowed the whole of the naval establishment to fall into a disreputable condition. The era was one of gross official corruption and both dockyards and ships suffered.

Though our ships were small, notable engagements were not few, and one at least stands in history with undimmed lustre as the most famous duel between two ships which has ever occurred, that of the *Bon Homme Richard* and *Serapis*. The former, an old French Indiaman, was turned over to the American officials in France; was there fitted out and commissioned with American officers in command, and with a crew chiefly of American seamen, many of whom had only lately been prisoners released by exchange and sent to France. The story of this wonderful fight cannot be told here. It is to be found in many books, and has no doubt been read by all. It wreathed the name of John Paul Jones with undying fame. Less known and less sung was an event on Lake Champlain on October 11 and 13, 1776, when a flotilla of small craft, all but two of which were "galleys" and "gondolas" propelled by oars, fought a desperate engagement against a superior British force, and was all but destroyed. The very existence of the flotilla and its conduct in battle were largely due to the Benedict Arnold

who was later to cover such glory with infamy. "Never," says Clowe's *History of the Royal Navy*, "had any force, big or small, lived to better purpose or died more gloriously; for it had saved the lake for that year." The meaning of this is that the expeditionary force in Canada, destined for the Hudson, was delayed another year, when, with better preparation, the Americans were able to resist with a success which brought the several steps of Burgoyne's surrender, the French alliance, and the final success of the allied arms.

Of the forty-one vessels of the navy of the Revolution, some twenty were taken by the much more powerful enemy, a small frigate carrying 12-pounders having no chance whatever against a ship of the line. One, the *Randolph*, 32, was blown up in action with the *Yarmouth*, 64. No less than six, as mentioned, never got to sea at all and were destroyed to prevent falling into the hands of the enemy. By the time peace was signed, our navy had practically disappeared. It had, however, served its purpose well. The names of Jones, Barry, Barney, Biddle, Manley, Nicholson, Wickes and Conyngham must always remain as symbols of heroic action. These men sailed the seas in the face of an almost ubiquitous and all-powerful enemy. Aided by the gallant privateersmen, they terrorized British commerce, raised insurance to an unprecedented point, and kept up, by capture and by transport from the West Indies and particularly from the Dutch island of St. Eustatius, which had become an immense entrepôt, the supply of the many things so necessary for the support and well being of an army.

Congress laid down but one line-of-battle ship during the war; the *America*, at Portsmouth. Begun in 1777, she was not launched until the end of 1782, and probably she would have remained on the stocks had not Robert Morris, in whom, as "Agent of Marine," the work, as also that of the previous organizations of Congress, had been centred, pressed for her completion. He alone of Congress seemed at this time to have an adequate view of needs. But even now the *America*, one of the largest ships of the period, was launched only to be presented to the King of France to replace the *Magnifique*, which was wrecked in 1782 in entering Boston harbor. It was however a fitting gift, for it was the French navy which made our final success possible. It was the coming of de Grasse from the

West Indies, called thence by the earnest demand of Washington, and his holding the Chesapeake which prevented the succor of Cornwallis and caused his surrender. How narrow was the margin of success in this great event appears in the fact that de Grasse arrived at the Capes of the Chesapeake on August 30, 1781. It was but next day that Admiral Graves sailed with the British fleet from New York. He was too late by six days. On September 5, however, he was off the Chesapeake, and now de Grasse risked the success of his great errand by leaving the bay to engage the British fleet. Had the British Admiral fully comprehended the great issue, he would have made the rescue of Cornwallis his main object and would have taken advantage of the situation to enter the bay with the free wind from north-northeast. Cornwallis' army would have been saved and Washington's great adventure would have been abortive. Graves, instead, wore ship and stood off shore parallel to the course of the French to fight a good old-fashioned battle after the rules of the Fighting Instructions which had for more than a hundred years made British and French fleet actions largely innocuous. The British by mismanagement got somewhat the worst of such fighting as took place. The two fleets remained at sea without further fighting and with no attempt by Graves to take advantage of the great chance offered him. He simply did not understand. It was not until September 11 that de Grasse, who seemed to grasp conditions almost as little as Graves, re-entered the Chesapeake. Three days later Washington was at Williamsburg; a week more and the remainder of the allied force which had spent ten days in coming down the Chesapeake from Elkton, was at hand and Cornwallis' fate was sealed. Had the British admiral got inside the Capes instead of de Grasse, the history of the world would have been changed. Few cases illustrate so fully the influence of sea power as does this just mentioned. The French army was an aid to our success; the French navy was a necessity.

The war over, as for America it practically was after Yorktown, the Continental navy gradually disappeared. Congress did not end the navy by formal enactment. Robert Morris, in whose person for a number of years had been vested the whole navy department, retired from public life November 1, 1784. The officers were gradually dropped as employment ceased, and

in August, 1785, was sold the frigate *Alliance*, for £2887, and the Continental navy went into history. It must be remembered that we were but thirteen loosely bound states, acting each largely by its own individualism. We were drifting towards what might easily have become an internecine war, when again it was mainly Washington who came to the rescue in causing the calling of the Convention of 1787 which built the foundations of a real nationality.

Meanwhile the Dey of Algiers had, in the words of Fenimore Cooper, discovered that there was a new country brought into existence which had a commerce and merchant ships but no navy. He took immediate advantage of the situation and began his seizures. Two public men now reversed their usual rôles. It was Jefferson (now, 1785, minister to France) who favored building ships and resisting the Dey's exactions by force, his real idea being the perpetual enforcement of an international blockade; it was John Adams, looking to the poverty of the Confederation, who favored, for the moment at least, the purchase of peace until we could make a treaty in preference to a war. We chose for the time the latter policy, which was to continue nine years. But by this time we had approached more nearly nationhood, with a real national government, and in 1794, by a law of March 27 of that year, the present navy of the United States was called into being by the laying down of the *Constitution* of 44 guns at Boston, the *President*, 44, at New York, the *United States*, 44, at Philadelphia, the *Chesapeake*, 38, at Portsmouth, Virginia, the *Constellation*, 38, at Baltimore, the *Congress*, 38, at Portsmouth, New Hampshire.

In the words of General Knox, Secretary of War, to whose department the new naval affairs were for a time confided, "the said act created an anxious solicitude that this second commencement of a navy for the United States should be worthy of their national character; that the vessels should combine such qualities of strength, durability, swiftness of sailing and force as to render them equal if not superior to any frigate belonging to the European powers." This hope was accomplished.

But the spirit of the act which ordered their building did not last long. In November, 1795, a treaty was made with Algiers which called for an expenditure by the United States of

nearly a million dollars which had much better gone into ships and guns; $525,500 was for ransom of prisoners, for presents and miscellaneous expenses. There was to be an annuity of naval stores, and finally the present of a frigate was thrown in. Of this last an extract from a newspaper of 1798 is given by Cooper, which fitly represents the meanness of spirit to which we had come. Says the paper, Portsmouth, January 20, 1798:

On Thursday morning about sunrise, a gun was discharged from the *Crescent* frigate, as a signal for getting underway, and at 10:00 A. M., she cleared the harbor with a fine leading breeze. Our best wishes follow Captain Newman, his officers and men. May they arrive in safety at the place of their destination and present to the Dey of Algiers one of the finest specimens of naval architecture which was ever borne upon Piscataqua's waters.

Blow all ye winds that fill the prosperous sail,
And hush'd in peace be every adverse gale.

The *Crescent* [the paper continues] is a present from the United States to the Dey as a compensation for delay in not fulfilling our treaty stipulations in proper time, . . .

The *Crescent* has many valuable presents on board for the Dey, and when she sailed was supposed to be worth at least three hundred thousand dollars.

Twenty-six barrels of dollars constituted a part of her cargo.

It is worthy of remark that the captain, chief of the officers, and many of the privates of the *Crescent* frigate have been prisoners at Algiers.

Such, let it here be said, is what not preparing for war meant then; it means, in effect, the same now. The depredations of the Barbary Powers were but a flea bite to what was to come in seizures of shipping by France and England in the next twenty-five years, all of which seizures as well as honor would have been saved if we had had a real navy instead of the ridiculous gunboats of the Jefferson administration.

The immediate result of the treaty with Algiers was the stoppage of work on all but the *Constitution*, *United States* and *Constellation*, which were launched in 1797.

The depredations of the French Republic came, however, to give something of an impetus to the new navy, and on April 27, 1798, $950,000 were appropriated for new construction and a regular navy department created. Though war was not for-

mally declared, a law was passed July 9, 1798, authorizing the capture of French cruisers wherever found, and empowering the President to issue commissions for privateers. On July 11 a new marine corps was established. On July 16 three more frigates were authorized, making in all under various enactments a total of 30 cruisers. By 1800 we had thirty-four cruisers in the West Indies; a powerful force which made itself felt and respected. Of them all, the *Constellation* was most fortunate, capturing the French frigate *L'Insurgente* of 40 guns and meeting successfully as far as relative injury was concerned the *Vengeance* of 54 guns, which escaped through the loss by the *Constellation* of her masts. This brave ship now lies in Newport harbor, an excellent example of the frigate of the ordinary type of her day.

Peace, of a sort, came with France by the treaty of 1800. The effect of Washington's and Adams' policy of a navy was, however, to have its effect. The country's spirit had been stirred, and it was no longer in a humor to submit to the piratical treatment of the Barbary Powers. The result was the Tripolitan war of 1801 to 1805. The grounding and consequent capture of the *Philadelphia*, the imprisonment of Bainbridge and his officers and crew of 300 men for nineteen months; the burning of the *Philadelphia* in the harbor of Tripoli by Decatur in the *Intrepid*, the final bringing of the Dey to terms by frequent bombardments and captures, make an epic period of our naval history of which the present generation knows too little. Without this war, carried on mainly by the squadron under Edward Preble, the later history of the War of 1812 would probably have been different. For it was these years of vigorous fighting and still more arduous blockade under such men as Preble, Decatur and Rodgers, which formed our naval service and crystallized it into efficiency. Unfortunately, Preble, through what was thought a necessary rearrangement of commands, was recalled when he was on the point of full success. Had he remained in command, he would, almost unquestionably, have settled the status of the Barbary Powers with reference to our commerce, as was done finally and completely by Decatur in 1815, who then entered the Mediterranean with a large squadron on account of a declaration of war by Algiers. In six weeks he forced a treaty "dictated," as Decatur expressed it, "at the

mouths of our cannon," and the Barbary wars, which had been intermittent through thirty years, were forever ended, as far as we were concerned. Next year the British under Lord Exmouth did the same for Europe. But the glory both of beginning and of really ending the work was ours.

While there are excellent American authors who have written of our Barbary wars, as Gardner W. Allen and J. D. J. Kelley, it has been a Frenchman, Monsieur E. Dupuy, who has given the story in its most complete form in a large and appreciative volume published in Paris only two years since. In his ending, speaking of our withdrawal of interest in the Mediterranean, he says: "The Great Republic . . . had conquered laurels enough; its statesmen breaking away from the ignoble yielding of Europe to the Barbary States, had in hardly thirty years broken down the degrading conditions which the Christian Powers had shamefully respected for ages." The Barbary wars should be one of our proudest memories.

Notwithstanding the evident necessity of at least protecting our merchantmen from seizure by corsairs and the saving of their crews from slavery, a navy was anathema to President Jefferson. In 1802 he proposed in his annual message "to add to our navy yard here [Washington] a dock within which our vessels may be laid up dry and under cover from the sun." In 1807 he could write to Paine, several months after the outrage of the firing by the *Leopard* upon the *Chesapeake*, that a navy was "a ruinous folly." He followed this by the embargo of December 22, 1807, which tied our ships to the wharves and ruined the American merchant and shipowner. His only idea of a navy was a number of petty gunboats of which some 200 were built, and which could not safely make a sea passage without striking their one gun into the hold. It was, except with reference to the Barbary Powers, an era of base submission to insult; our ships were being seized at the rate, for a long time, of three a day. All this would have been saved; and we should have escaped, too, the rotting idleness of the embargo, the impressment from their ships of our seamen, at the rate of 1,000 a year, the seizure of the ships themselves, and the brutal insult of the *Chesapeake* incident, if we had but followed the advice of Gallatin and Gouverneur Morris and built a fleet of battle-ships. And above all we should have saved our honor

and self-respect. England and France would have curried favor with us instead of bullying and despoiling us. There would have been no War of 1812. I, for one, cannot read the story of the Jefferson and Madison administration without wrath in my heart and contempt in my mind for their so-called statesmanship, which, besides failing in defence of our commerce and country, could declare in 1802 that we had no wish to extend beyond the Mississippi, and offered to Spain to guarantee to her the remainder of Louisiana if she would sell to us the island of New Orleans.

The faineant policy mentioned brought the War of 1812, in which our few ships made an imperishable name. The stories of the *Constitution* and *Guerriere*, of the *United States* and *Macedonian*, of the *Constitution* and *Java*, of the *Essex* against the *Phoebe* and *Cherub*, of Lake Erie and Lake Champlain as of many other proud events, are written forever in American memory. The first — fought August 19, 1812, so that this is the centennial year of the victory — restored the self-respect of American manhood so cruelly wounded through the twelve years of ignoble policy in the Jeffersonian period toward French spoliation and British arrogance.

It was epochal in character, vivifying the long dormant spirit of nationality and giving a death blow to the disunionist spirit of the period. How it permeated the soul of the country was shown in a remarkable way at the death of a lady of the Adams family in 1903. Born in 1808, she was but four years old at the time of the action, but so vividly had the exultation of her elders been impressed upon the child's mind, that on the day of her death, more than ninety years later, her mind insensibly reverted to the most deeply impressed of her early childish memories, and in tremulous tones, though otherwise unconscious, she kept repeating the words: "Thank God for Hull's victory." Nothing could show more strongly the immensity of exultation and relief this victory caused. It is not too much to say that the triumphs of the navy in this war saved the Union. Our one real disaster, the loss of the *Chesapeake*, was simply the result of a bad judgment, probably better described as fatuity. Officers and crew were entirely new to the ship. Not a gun's crew had been exercised, not a sail had been bent before the day of action. To go out in such a state of

unpreparedness to meet a ship of like force which had been three years and a half in commission, was folly. We fight to win for the country, not to satisfy personal pride, and I can see nothing but unwisdom amounting to folly, though it was coupled with great gallantry, in the conduct of the captain of the *Chesapeake* in accepting a challenge under such almost hopeless circumstances. Preparation, drill, discipline are a necessity to success in war, and the *Chesapeake* had had no time for any of these. It had been better to wait and accept Broke's chivalrous challenge to meet at a later date at a given point. There was courage, there was heroism in plenty; but it was not war. The result, the all but inevitable result, was the capture of the *Chesapeake*, and this capture is the one naval event which is harped upon in British history to the practical ignoring of every other action. The words "the *Chesapeake* and *Shannon*" stand out alone, of naval events, in a new and widespread advertisement of a new British history just published. I have not seen the book, but I venture to say that ten times more space has been given to this action than to all the others of the War of 1812 combined.

The British were so accustomed to victory over French and Spanish ships when of similar and often of larger class that the successive victories of the Americans caused consternation in England and probed her pride to the quick. She thus has hugged the name of the *Chesapeake* to her wounded heart, as having saved her naval honor, but it is time that she took the event at its true value. I speak thus plainly of this fight because we should recognize truth in such matters. Lawrence redeemed himself by giving his life, and by his final utterance, "Don't give up the ship," which became Perry's motto flown at Lake Erie; but we lost the ship.

The Washington administration showed admirable foresight and preparation for the future when, in laying down the *Constitution* and her sisters in 1794, it built them, as mentioned, of a size and force which made them the equals of any frigates afloat. This foresight had result in our many victories from 1812 to 1814 which brought from the British Admiralty the finest tribute ever paid any navy. It may be found in the *Croker Papers*, Croker being at the time and through many years the Secretary of the Admiralty. I beg your attention to its reading. It is as follows:

My Lords Commissioners of the Admiralty having received intelligence that several of the American ships of war are now at sea, I have their Lordships' commands to acquaint you therewith, and that they do not conceive that any of his Majesty's frigates should attempt to engage, single handed, the larger class of American ships, which, though they may be called frigates, are of a size, complement and weight of metal much beyond that class and more resembling line-of-battle ships.

In the event of one of his Majesty's frigates under your orders falling in with one of these ships, his captain should endeavor in the first instance to secure the retreat of his Majesty's ship; but if he finds that he has an advantage in sailing he should endeavor to manœuvre, and keep company with her, without coming to action, in the hope of falling in with some other of his Majesty's ships, with whose assistance the enemy might be attacked with a reasonable hope of success.

It is their Lordships' further directions that you make this known as soon as possible to the several captains commanding his Majesty's ships.[1]

It was this frank acknowledgment by the British Admiralty that, whatever the cause, the American ship usually won, that caused the cruising together of the *Phoebe* and *Cherub* in search of the *Essex*, though the *Phoebe* alone outclassed the latter. Notwithstanding the two to one the *Essex* made a noble fight at Valparaiso. Such defeat is finer than many a victory.

One may be very sure that no such order as that just mentioned would have been issued had such ships as ours flown another flag and carried other crews. The highest possible praise is thus implied in this remarkable document. With this great and unique tribute from the enemy himself, which is far more flattering to our pride than any words I can use, it is well that I should end.

Mr. ENDICOTT presented the following paper on

REMINISCENCES OF SEVENTY-FIVE YEARS.

I have been asked to prepare for the Society some reminiscences of my life and I do it with considerable hesitation. They must contain much that is personal, they will have much that is trivial, but it is possible that it may be of interest to

[1] The *Croker Papers*, I. 44.

note some of the changes in our social and business life that have occurred within the lifetime of a single individual.

I was born in Beverly, Massachusetts, on January 4, 1826; consequently I have nearly completed my eighty-seventh year. Beverly was a town of considerable importance in the Commonwealth. It was, as a part of Salem, one of the earliest of the Colonial settlements, many of its citizens had been engaged in foreign commerce sailing from Salem and Boston as well as from Beverly, and some had taken important parts in the political life of State and nation.

The leading citizen of that time, and probably for all time, was Nathan Dane, the author of the Ordinance of 1787 for the government of the Northwestern territory, by which slavery was forever excluded from what now constitutes the States of Ohio, Indiana, Illinois, Michigan and Wisconsin. Seldom is it given to man to become the instrument in legislation of such transcendent importance as this which consecrated that vast region forever to Human Freedom.

To Dr. Dane also is due the provision in the Constitution prohibiting any State from passing laws impairing the obligation of contracts.

I remember him very well, an old gentleman with a serene and kindly face. I used to carry to him the *North American Review* and other periodicals for which he and my grandfather, Robert Rantoul, with Dr. Joshua Fisher, were joint subscribers.

When I remember my little conversations with one who had been a distinguished member of the Continental Congress it does seem to me a far cry indeed.

Dr. Dane died February 15, 1835.

Somewhere in the early thirties rumors had reached Beverly that in Pennsylvania, or elsewhere, anthracite coal was coming into use as fuel. In order to make trial of it five or six gentlemen joined together and sent to Boston for a cart load, there being no railroad.

From my father's quota I remember a lump of about the size of a peck measure which he placed in the open fireplace and heaped about it an assortment of pine and hard woods. These burned very well, but had no effect upon the coal even with repeated trials. Considerable fuel was burned upon that occasion, but it was not coal.

Some little time after, when a grate had been installed in the fireplace and a good fire was burning in it, an old gentleman came in to view the novel spectacle. After looking at it intently for a few minutes he remarked that "it looked expensive," and retired from the scene. Little did he think that his sage conclusion would be quoted after the lapse of three quarters of a century and then, perchance, put in type and possibly read a century or two later.

Before leaving the fuel question it may be said that even the ignition of wood was not unattended with difficulty. In every kitchen at that time might be found a circular tin box of about five inches diameter and one and one-half inches depth, the cover closely fitting into the box. This, half filled with partially burned rags, was "the tinder-box." Beside it would be a flint and a peculiarly shaped piece of steel, with some home-made matches, three or four inches long, dipped in melted brimstone. By striking the flint quickly upon the steel a spark was thrown into the tinder from which the brimstone match would kindle a blaze. There was great knack in doing this, but sometimes great patience was required. When I think of my cold fingers on some winter morning, benumbed in fruitless endeavor to coax from the reluctant steel the spark which was to set in motion the domestic activities of the day, I always feel like invoking blessings upon Ezekiel Byam, whose likeness and autograph were shortly to appear upon each wrapper, and whom I suppose to have been the inventor, of friction matches.

For the first bunch which I ever purchased I paid ninepence, or twelve and one-half cents. I have recently obtained the present price of the same kind of matches and find it to be twenty cents for thirty-six bunches, a shade over one-half of one cent per bunch, thus affording one instance where a giant monopoly has not crushed the consumer into the dust.

It was usual at bedtime to rake the coals together and cover them with ashes. In this way they often lived through the night and would kindle a blaze upon the application of a brimstone match in the morning.

Next in importance to modes of living come means of locomotion, and in these I have seen great changes. At the period of which I have been speaking there was no railroad in eastern Massachusetts. The daily communication between

Beverly and Boston was by stage, leaving Beverly at 8 A. M. in the summer and 9 A. M. in the winter, the trip occupying about four hours. Returning, the stage left Wildes' Hotel in Elm Street,[1] where several stage lines had their headquarters, at 3 P. M. In the winter, therefore, passengers had about two hours in which to go from Elm Street, attend to business, get dinner, and return to Elm Street in season for the afternoon stage. The fare was one dollar each way.

The Beverly stage rarely contained more than half a dozen passengers, and when I see the crowd emerging from an afternoon train in the Beverly station I often think of Page's stage with the handful of passengers alighting from their weary and dusty ride of four hours.

The Eastern Railroad was opened to Salem in 1838 and to Beverly about a year later. I have heard my father say that a dinner was given in Salem to celebrate the opening of the road to that place, on which occasion the President stated in his speech that, in order to make the road pay, it would be necessary to have forty passengers each way daily.

In April, 1838, while in New York with my father I saw the first two passenger steamers that had ever crossed the Atlantic, arriving within two days of each other, the *Sirius*, 700 tons, in seventeen days from London, and the *Great Western*, 1340 tons, in fifteen days from Bristol. The *Daily Advertiser* spoke of the latter as an "extraordinary passage," but it has recently been outdone by the *Mauretania* making the round trip from and to Liverpool in twelve days, while the Hamburg-American steamer *Imperator* of 50,000 tons, now approaching completion, will fairly put the little *Sirius* in the shade, the tonnage being seventy-one times as great.

In January, 1840, I graduated from school and as a clerk entered the store of my father in Beverly, thus embarking upon the dry-goods business, which continued to be my occupation until August, 1910, a period of more than seventy years, although it may be said that for more than half of that time my attention has been largely given to other concerns. In September, 1846, I came to Boston and as clerk entered the employ of Messrs. Hovey, Williams & Co., of which firm in

[1] Known as the Patterson House, 11 Elm Street, and kept by Solomon Wildes, later by M. & M. Wildes.

the course of four years I became a partner and which continued to be my business home for nearly sixty-four years.

Before commencing the review of business changes, I will mention a personal incident which may be of interest.

In the summer of 1846 with a small party of friends I made the tour of the White Mountains. As there was no railroad beyond Concord, this was by stage, a much preferable mode. At several points in the mountains we met another stage party consisting of Messrs. Abbott Lawrence, Samuel Lawrence, J. Huntington Wolcott, Charles Storrow, and one or two others whose names I fail to recall. We learned, confidentially, that they were examining the sources of supply of the Merrimack River. This was the genesis of the city of Lawrence, which then existed only in the brains that were in that stagecoach. The territory which it now covers was then farming land mainly in the towns of Andover and Methuen.

As I come to what may be considered the starting-point in my business career, I may be excused in going a little into my personal surroundings.

The firm of Hovey, Williams & Co., consisting of Charles F. Hovey, Washington Williams and James H. Bryden, had for several years been doing business in Water Street and later in Federal Street as importers of foreign dry goods, which they sold only by the package principally to jobbers, who in turn broke them up and sold to retailers in various parts of the country. It will be seen that this involved three profits and three sets of store expenses before goods reached the consumer. Extravagant as this may seem, it was the universal practice up to about the time of which I am writing, and perhaps it may have been the only course practicable until business should assume larger proportions. Some three or four years previous A. T. Stewart of New York had added to his considerable retail business importation and jobbing as well, and the great success of this experiment may have induced Mr. Hovey to do the same in Boston. The importing firm of Hovey, Williams & Co. therefore added two more partners, John Chandler and Richard C. Greenleaf, who, as the firm of Chandler and Greenleaf, had conducted a retail business on Washington, near West Street. The firm, thus constituted, commenced business in Winter Street in a building erected for them by Mr.

Thomas Wigglesworth and which is now a part of the Gilchrist store. It may be interesting to remark that the rental was twenty-nine hundred dollars per annum. In 1854 the firm removed to a new store in Summer Street, where they have remained until the present time.

As the purpose of this paper is to state the changes in business methods that have taken place in my time, it seems proper for me to name several that were inaugurated by Mr. Hovey when organizing the new concern, and which are not only highly creditable to him, but which have greatly raised the moral tone of the dry-goods business and, by the force of example, of all retail establishments. I feel free to do this as, although I later became a partner in the firm, at that time I was to enter the store merely as a young clerk having no part in making rules and entitled to no credit therefor.

It had been very much the practice in dry-goods and presumably in other retail stores to have no regularity in prices. The cost only would be marked, and very much left to the discretion of the clerk in making a price that would secure a sale. He would get a profit, and a large one, if he could, but he would take a small profit rather than let a customer go. Worse than this, it was quite common not to adhere closely to the truth in statements that might secure a sale. Of course there were many honest and honorable men in the business who would not tolerate such practices, which were far too common.

Mr. Hovey was a man of such strict integrity that he would not for a moment have considered engaging in business unless it was to conform strictly to his ideas of honest dealing. From the very first then in the new store the one-price system was made imperative; goods were marked in plain figures which customers could examine if they wished, and no variation was to be made to partners or to any one else. If a lower price were quoted from a competitor, such article was withdrawn from stock for that day and returned the next morning at the revised price. Nothing but the truth was to be stated about an article and no undue pressure used to effect a sale.

It goes without saying that a business conducted upon these lines, when found to be real and not pretence, would find favor with the public, and this was the case. Gradually other stores

adopted the one-price system, so that before many years it had become the general usage and for a long time no other has prevailed in the larger stores of Boston.

Another innovation introduced by Mr. Hovey at that time was the early closing of the store. It had been the universal custom of practically all retail stores to keep open until about 10 P. M. Mr. Hovey had the courage of his convictions and, without asking for any concurrent action from anybody, began closing at 6 P. M. in the winter and 7 P. M. in the summer. This reform also took root, so that in a few years the habit of early closing became quite general, greatly to the benefit of the clerks. Later the hour of closing became 5.30 P. M.

Still another change was made which was really of considerable importance both to customers and sellers. It was a very general custom to have "family bills," as they were called, by which the family supplies for the year were "charged" and the bills sent in for settlement on December 31. The loss of interest to the storekeepers was of great importance, as very few had much capital and most likely depended upon the credits given by the jobbers from whom they purchased their goods. It was an axiom of the business at that time that ninety-nine per cent of the retailers failed, and it was not far from the truth.

On the other hand, the long credit would often lead to over extravagance in the family expenses. A change was made, bills were sent out at the end of each month and prompt payment exacted, instead of being allowed to run for the whole year.

Messrs. Williams and Chandler having retired from the firm, Henry Woods, Samuel Johnson and William Endicott, Jr., who had each had a silent interest for a year or two, were advertised as partners January 1, 1851, and the firm name was changed to C. F. Hovey & Co. under which style, with many changes in its personnel, it has continued until the present time, more than sixty-five years from its original inception. I may, I think, be allowed to say that the three younger partners mentioned above continued together until the connection was severed by death, a period of about fifty years, and without any serious difference between them during the whole time.

My first boarding place proving unsatisfactory, I soon found

another which brought me into an atmosphere of idealism. My new landlady had been the housekeeper at Brook Farm, the Fourierite Community at West Roxbury which had recently come to grief and disbanded. Her husband and several of the boarders were also Brook Farmers. One of them, Mr. Charles A. Dana, became distinguished as one of the staff of the New York *Tribune*, was Assistant Secretary of War during the Civil War, and later editor and proprietor of the *New York Sun*. He was at that time, as he mentions in his published reminiscences, assistant editor of the *Chronotype* at a salary of five hundred dollars per annum. The *Chronotype* was a four-page paper of about eighteen inches square, owned and edited by Elizur Wright, who afterwards became distinguished as the leading authority upon all questions relating to life insurance. Both editor and assistant editor were able writers, quite competent to fill the little paper with strong editorials. Mr. Dana's salary does not seem large, but he evidently cut his garment according to his cloth. His room at our house was upon the attic floor, as was mine, so I presume that he paid about the same price for board and lodging that I did, which was three dollars per week, and very good board it was. My salary at that time was three hundred and fifty dollars per annum. There were not many millionaires in those days, and our landlord evidently did not propose to become one of them if he could avoid it.

Other of our boarders were John S. Dwight, later editor of Dwight's *Journal of Music;* Mrs. Eldredge, a widow with two little daughters, sister of N. P. Willis the poet. She soon became famous as a writer of essays for magazines under the *nom de plume* "Fanny Fern"; Samuel W. Rowse, who later became distinguished as a crayon artist; and, at intervals, George M. Champney, a landscape artist of considerable note.

We demonstrated one fact at that establishment, that the possession of money is not essential to happiness. None of us had *any* of that commodity, and yet we had very jolly times.

I have touched lightly upon the change in the terms of retail credit as compared with the earlier time, and it seems now to be in order to take up the more important subject of wholesale credits.

Domestic goods were sold by the mill agents to jobbers upon eight months, and cotton goods for export to China and the East upon twelve months' credit. The jobbers sold to retailers upon six months with a liberal discount for cash within thirty days. It will be observed that the eight months' credit accorded to jobbers enabled them to double up their indebtedness; that is, the large purchases for the beginning of one season would be made before the purchases of the previous season had been paid for, so that the domestic goods commission houses were practically supplying capital for the jobbers, who, in turn, were to a great extent carrying the retailers. When the jobbing houses had attained great importance, say by 1850, they found it quite convenient to buy domestic goods upon eight months and sell them without profit to retailers upon thirty or sixty days, thus procuring capital with which to import foreign goods. These extended credits given by the domestic commission houses necessitated much borrowing on their part, which was usually done upon their acceptances of the drafts of the mill treasurers, often with the individual endorsement of the treasurer himself.

The consequence of this was apparent in the panic of 1857, when it became impossible to sell paper even at three per cent per month. Very many of the commission houses, some of large capital and undoubted strength, were obliged to fail. It was a melancholy time when some of the wealthiest houses in Boston, who a month before would have deemed such an event impossible, were obliged to see their paper go to protest.

The advent of Civil War led to a complete change in the whole credit system of the country. The fluctuating value of the depreciated currency made any credits quite hazardous, and when this became apparent in the early years of the War sales were brought as nearly as possible to a cash or short-credit basis. This is largely the present usage, and the long credits have gone never to return.

No complete picture of *ante-bellum* business can be given without stating the condition of the currency, which can only be described as wretched.

First as to the silver currency. As the legal coinage ratio of gold to silver was 1 to 16, it followed that the silver coin being undervalued would not remain in circulation, and much

of it went into the melting pot or was exported. This left, say from 1837 to 1853, mainly Spanish fractional silver to serve for our local circulation. Much of this was worn so smooth as to be uncurrent at its nominal value, — the quarter as twenty-five cents; the eighth, called ninepence, valued at twelve and one-half cents; the sixteenth, called fourpence ha'penny, valued at six and one-quarter cents. This stuff was practically all that we had, and it was a perfect nuisance. An Act of Congress of February, 1853, reduced the quantity of silver in the small currency about seven per cent, and then it remained at home.

Notwithstanding that no such coins were in existence here, with the exception of a very few "pistareens," as they were called, of the value of seventeen cents, it was the practice up to nearly the time of the Civil War to quote very many prices in shillings and pence on the basis of six shillings to the dollar. Thus, a very common price of all commodities was ninepence, or twelve and one-half cents, and there were plenty of coins of that value. With the occasional pistareen just noted there was no such coin as one shilling, or sixteen and two-thirds cents, but this, with its multiples, was a frequent price; two and threepence, or thirty-seven and one-half cents, three and ninepence, or sixty-two and one-half cents, and four and sixpence, or seventy-five cents, were very commonly named prices. I might go on and name others, but these will suffice.

It is remarkable how long a deep-rooted custom will prevail even with little reason. I can account for the general use of shillings and pence in prices only because, as we had practically no small decimal coins in circulation, the prices which I have named were better adjusted to the ninepenny coin than decimal prices would have been. With the advent of Civil War the fractional paper currency swept away all the Spanish silver, leaving only decimal paper, and to this prices speedily adjusted themselves. When decimal silver came in after resumption, the old-fashioned prices had gone with the old-fashioned coins, and good riddance to both!

During the panic of 1837 silver had so generally disappeared from circulation that some of the New England banks undertook to fill the aching void by the issue of bank notes. As Massachusetts law did not permit the issue of a denomination

less than one dollar, they issued bills of $1.25, $1.50 and $1.75. I was not old enough to have known much of the panic, but I remember these bills having been in circulation after I came upon the scene.

One of the results of the Civil War was the coming of the National Bank Currency, which circulates at par in every part of the country and of which counterfeits are so few as to call for no thought. Before the War the currency was supplied by banks chartered by the different States and with varying conditions, all, with the exception of the Eastern States, entirely unprepared to stand any sort of strain, while in some of the Western and Southern States they were in a chronic state of insolvency all the time. What was called the Suffolk Bank System, by which the bills of all the New England States were constantly sent home for redemption, kept them at par, and they were the only bills that could be deposited in bank here. Bills from the rest of the country could be got rid of only by sale to brokers at a discount, small upon bills of the Atlantic States and upon others at varying discounts according to the credit of each bank. It was necessary, even for small stores, to have a copy of a "Bank Note List," both for information as to the discount upon the notes and as to counterfeits, which were many. These were published monthly by various brokers.

A few quotations from Willis' Bank Note List for October, 1851, will show the quality of the currency which a large portion of the country had for their business transactions. It is a mystery how they could do anything. Upon Western and Southern banks which were considered "good" the discounts were 3% or 4%. For Illinois it says, "All the banks in this State closed and the paper of doubtful value."

For Arkansas, "All banks in this State worthless."

For Mississippi, "Northern Bank 10% discount, all other banks in this State of doubtful and only nominal value."

For Michigan, "Four banks quoted at 4% discount, all others bad."

For Wisconsin, "Checks of George Smith 3% discount, all other bills bad."

In other States there were many quotations of failed banks with discounts of 25%, 50% or 75%.

Strange contrast to our present system, by which bills of far distant banks circulate here without thought of risk!

I think that an effort was made in Illinois somewhere about 1855 or 1856 to introduce a reformed currency secured by pledge of State bonds, but when the panic of 1857 came on the decline in the market price of the State bonds was such as to impair very much the credit of the new currency.

The panic of 1857 deserves especial mention. Of all the panics that I have seen, and they are many, this was the most severe. I was absent from this country during the whole panic of 1873. Currency conditions at the West, to which I have alluded, were such as to produce almost a complete deadlock out there. They had good crops, but, with such poor currency and credit almost nil, there was great difficulty in getting them to market and realizing upon them. The houses who were owing the East were between the devil and the deep sea. If they retained the bank notes which they were daily receiving, there was great danger of loss from bank failures; if they tried to remit to their creditors, they were met by a ruinous rate of exchange for Eastern drafts, in some instances twenty to thirty per cent, — a serious loss to them in either case.

I wrote to our customers in the large cities to remit and that we would pay one-half the exchange. If there was any money out there, we wanted our share of it. One house in Milwaukee remitted to us three thousand barrels of flour. When shipped it promised quite a favorable rate of exchange, but before it reached Boston the price had declined so that I doubt if there was any saving by the shipment.

I have mentioned in another place the numerous failures of commission merchants in Boston in 1857, but the failures in all branches of business were enormous. It was almost impossible to borrow at any price. I saw paper with two strong names having five or six months to run in the hands of a broker offered at three per cent per month and it could not be sold.

I can give a very good illustration showing the great straits in which the mill treasurers found themselves. Two of the largest cotton mills of Lowell, finding it impossible to raise money in any other way, made considerable shipments of cotton to Liverpool, consigned to Baring Bros. & Co. They un-

doubtedly had to sell the cotton at a loss of several cents per pound, to pay Barings' commission, freight and insurance, and they sold the exchange to our firm at 4.44⅘ the pound sterling, a loss of nearly ten per cent upon the exchange. It is probably no exaggeration to estimate the loss to the mills as one third the amount of the transaction. But that was better than to see their acceptances go to protest. I bought other bills at 4.40 the pound sterling. In more than sixty years' experience I have never known any quotations for sterling approaching that. In short, the panic of 1857 was, to borrow a presidential term, "a perfect corker."

It may be worth a little space to state the principal conditions which led up to the "Panic of 1857." The years from 1846 to 1857 had been very prosperous years for all kinds of business, and the country was gaining in wealth more rapidly than at any former period. The West was clamoring for railroads, and as it had very little available capital it looked to the East to supply it. This was done by adventurous men tempted by the hope of good profit if successful and in general too sanguine of immediate results. Thus it came about that a vast amount of capital (for those days), largely obtained by the free use of credit, was locked up in investments not at once remunerative and which in many cases never became so. The West responded in rapid development, immigration increased; the Western banks, always weak, extended their loans and became weaker; the Eastern banks, even if in fairly good condition, became more and more extended. At last the bubble burst, and the time had come to stop borrowing and try to pay, — never an easy task.

The panic was precipitated by the failure of the Ohio Life Insurance and Trust Company of Cincinnati, Ohio, in September. Once started, other institutions followed suit and at once the banks were compelled, in self-defence, to commence a serious contraction of loans resulting in the failure of very many of their customers, which in turn compelled the failure of numerous banks. The New York and Boston banks suspended specie payments within a few weeks.

In the early forties the dry-goods jobbing trade was centred about Kilby Street and Liberty Square, a few houses remaining

in State Street and Doane Street. Soon after there was a movement to Milk Street, Water Street and Congress Street. Then Pearl Street came into favor and was occupied by many important concerns, in turn to be crowded out by the shoe and leather trade. Franklin, Summer, Winter and Tremont Streets were then entirely residential streets. The store erected for Hovey, Williams & Co. in 1846 was the first store in Winter Street, excepting a small millinery store. When removal was made to Summer Street in 1854, there was but one other store in that street, near Washington Street, on the opposite side. During the next decade Franklin, Summer and Winter Streets had all become business streets, and soon the change began which has made Tremont Street one of the most important retail streets of the city.

In locating the dry-goods jobbing houses it may be said that the trade was relatively of more importance than at present. The retail houses of the Western cities then drew their supplies almost universally from New York and Boston jobbers. Now these concerns have grown in importance so that they deal directly with the domestic goods commission houses and with foreign manufacturers, largely doing away with the intervention of the jobbers. It is probable that Chicago now surpasses New York as a distributing centre.

In these days of constant cable despatches it is difficult to realize that intervals of nearly a week were frequent in receipt of European news. For some years prior to the laying of the cable the Associated Press had in successful operation a plan for waylaying the steamers off Cape Race and obtaining news despatches, which were telegraphed from Cape Race to the United States, thus anticipating the arrival of steamers in New York or Boston by two or three days. The despatches were placed in a small air-tight tin canister, weighted at one end and with a little metallic flag attached to the other. This was thrown over from the steamer when off Cape Race, which steamed away leaving the latest news bobbing about on the Atlantic. At night rockets were sent up from the steamer to notify the lookouts that the steamer was passing Cape Race. Boatmen were on the lookout for the canister to take it to the telegraph office near Cape Race. I do not know whether this service was by contract or whether a premium was paid to the

finder, but I have seen as many as half a dozen boats making for the tin can that had just been thrown over from our steamer.

The first cable was laid in August, 1858, and was the occasion of considerable interest. Congratulatory messages were exchanged between President Buchanan and Queen Victoria. There was a pretty general illumination of houses in Boston. I was then living in Pemberton Square and took that mode of expressing my gratification; but it was a short-lived pleasure, for in a few days the cable ceased working and lay dormant until a second cable was laid in 1868.

Marked changes have taken place in the topography of Boston during the period which we are reviewing, of which I will mention but one, the filling of the Back Bay, which was accomplished in the early fifties. Prior to that time the connection between Boston and Roxbury, which is now Beacon Street, was a causeway called the "Mill Dam" with a toll-gate at the Roxbury end, where was a mill for which the power was obtained from the ebb and flow of the tide through the floodgates at that point. What is now the Public Garden was then a dumping ground for rubbish of all sorts. The tide came in as far as Charles Street. Upon the southwest corner of Beacon and Charles Streets were swimming baths which I frequented in the summer and which were served by the salt water brought in by the tide.

When Mr. George Hovey built his house No. 100 Beacon Street, somewhere about 1856, he was jeered at by his friends and asked why he was going out to Longwood to live, there being then very few houses below Charles Street.

The repeal of the Missouri Compromise in 1854 with the attempt which followed to force slavery into Kansas, regardless of the will of the inhabitants, with the evident and proclaimed purpose of the Southern leaders to open all the territories of the United States to slavery, and the assault upon Sumner in the Senate Chamber in 1856, had roused a spirit of resistance in the North which was well represented in the Republican Convention which met in Philadelphia in June, 1856, and which nominated Frémont for the Presidency. I attended this Convention as an alternate delegate from the Essex South District, as I was then a resident of Beverly. A few of the impor-

tant delegates — Charles Francis Adams, Senior, Judge Hoar, Judge Allen of Worcester, with perhaps one or two more — called upon Frémont in New York before the Convention to sound him with regard to his views upon the slavery question, as he had no public record. At a full meeting of the delegation at Philadelphia they reported that, in their opinion, he was a safe man to nominate. He was supported by the Massachusetts delegation and nominated, I think, upon the first ballot. It is a great mercy that this nomination was not followed by his election. After adjournment of the Convention the whole Massachusetts delegation called upon Frémont in New York. It was an interesting occasion, but my remembrance of it is that our nominee did not at all impress me as of presidential size.

After various nominations for the Vice-Presidency had been made, one of the Western delegates, seated upon the opposite side of the hall, arose and, after a spread eagle speech, wound up by proposing the nomination of "Abraham Lincoln of Illinois," "Honest Old Abe." Instantly there was immense applause, clapping and stamping, upon that side of the hall, to the great surprise of the Eastern delegates, who were seated together on the opposite side. At once the inquiry went around, "Who is this that they are making such a fuss about over there?" This was two years before his debate with Douglass, and very few of the Eastern delegates had ever heard of him. This paucity of information has since been remedied.

A few days prior to the assembling of the Republican Convention a "Know-Nothing" Convention had been in session in New York. Flushed with great success in the elections of the two previous years, it was then a party of great expectations, but it was destined to be a short-lived affair and it went down as rapidly as it came up. This Convention at New York adjourned over at the meeting at Philadelphia, and many of its leaders were in attendance there endeavoring to procure a union of the two parties upon the same candidate. N. P. Banks of Massachusetts was proposed by the Know-Nothings as their nominee, and he was on hand coquetting for the nomination, but the movement received no favor with the leaders at Philadelphia and it came to nothing.

The Philadelphia Convention was of the sort that it is a pleasure to attend. Probably not a man in it had any idea of obtaining office — indeed the prospect was too remote to make it worthy of a thought. The members were inspired by the resolve to keep slavery out of the unoccupied territories of the Union. Little did they realize what was to be the cost.

We are now approaching the era of the Civil War, of which I shall say but little and that chiefly of financial matters.

I spent two weeks in Washington in January, 1861, and the city was seething with excitement as to coming events. I was in the Senate Chamber on January 21, 1861, when Jefferson Davis, Clement C. Clay, and Senator Yulee made their farewell speeches and took leave of the Senate. After concluding his speech Mr. Davis spread out his pocket-handkerchief, put in it the stationery from his desk and took it with him as he left the Senate. I presume that he considered it to be the part, or half of it, belonging to Mississippi. I was much impressed by the feeling that he felt that he was undertaking a big job, but the secession movement had gained too great impetus for any one to change it. Mrs. Clay, in her recent book, *A Belle of the Fifties*, gives an interesting account of the scene.

One morning at that time Mr. Sumner told me that he had just seen General Scott, who informed him that he had ordered *three hundred* troops to Washington for the protection of the Capital. So little did we Northerners then know of the impending catastrophe!

I was in the House one day when a petition from Boston was presented praying for the enactment of the Crittenden Compromise measures. These were brought forward by Mr. John J. Crittenden, who had been a member of the Cabinet of the first President Harrison in 1841, and was then a representative and later a senator from Kentucky. He was utterly opposed to secession and remained strongly loyal to the Union during the Civil War.

The Crittenden Compromise was offered in the hope of composing the differences between the two sections upon the subject of slavery, at that time a hopeless undertaking. This petition was three feet in width, and the roll about the diameter of a cart wheel. It was upon a frame and was wheeled down the passage in front of the Speaker's desk. It must have contained

many thousand signatures.[1] I mention this to show the marked division of opinion in Boston, as well as throughout the North, at the beginning of the Civil War.

I had several opportunities of meeting President Lincoln during his administration. A friend of his, and of mine, kindly arranged with him upon two occasions to bring my party of four or five to the White House for evening visits, when we had what were to us very entertaining talks of an hour or two with the President. Our associate Mr. Rantoul has related, in a paper read before this Society a year or two since, some details of a call that we once made together, but I do not remember if it was one of the occasions of which I now propose to speak.

The first was soon after the battle of Antietam. The President had returned, only a day or two before, from a visit to the camp of General McClellan, where he had spent a night. Of course, Antietam was uppermost in our minds. It was very evident from the remarks of the President that he was very much dissatisfied with the conduct of the General both at and after the battle. With a force much larger than that of Lee he thought that he should have prevented Lee from escaping into Virginia, and should have pursued him vigorously without giving his army time to recuperate. He said that Fitz John Porter had a large reserve corps which was not ordered into action at the battle, that he had supposed that the object of a reserve was to be ordered in at a critical moment, but that Porter did nothing. I was surprised at the freedom with which he spoke of army movements. He was much stirred up, and made the final removal of McClellan from command of the army within a very few days. He also told of his experience in going down the Mississippi to New Orleans in a flat-bottomed boat, and of his captaincy of a company in the Black Hawk War, all of which, from his own lips, was most interesting.

My second evening with the President was some months later, shortly before the taking of Vicksburg. General Grant had gone north of Vicksburg, hoping to make his way through

[1] The petition was presented to the Senate by Senator Crittenden, February 12, 1861. It contained 22,313 signatures, "obtained during four secular days, under great disadvantages." The prayer of the petitioners was opposed by Senator Sumner. *Congressional Globe*, 36th Cong. 2nd Session, 862; Pierce, *Memoir and Letters of Sumner*, IV. 18.

some of the bayous and get to the south of that place before making any assault. There was a large map of the theatre of operations hanging upon the wall of the President's room. After explaining what was proposed the President said, "If I had a candle I could show you what Grant is trying to do." When a servant answered the bell, the President said to him, "John, have you got a candle anywhere about the house?" Presently the servant reappeared with a candle, which the President took in his left hand, and with a long pole in the other pointed to a place on the map. "There," said he, "Grant has gone in *there*, and at last accounts was about *there*, but we have heard nothing from him for quite a little while. He hopes to make his way around *there*" (pointing to the map) "and come out about *there*." He said that the situation reminded him of a neighbor in Illinois who kept a lot of hogs in a field from which they were constantly escaping. He found that they went through a hollow log in the fence, which was crooked, and he turned it over. The hogs kept on going through the log all the same, but came out on the same side as they went in; "and I am afraid," said the President, "that it will be so with Grant." And it was.

Second only in importance to the question of providing an army for the suppression of the rebellion was the question of providing means of payment, and this was not easy of solution. The men who were charged with this great responsibility were looking into a future full of darkness and danger, and they are entitled to the utmost charity in estimating the wisdom, or the lack of it, in the measures adopted, especially as to the issue of paper currency and making it legal tender. This was urged as a measure of necessity — as the only mode by which the enormous sums already due could be provided for; and, after the lapse of fifty years, it is still difficult to show that any other course would have succeeded better, notwithstanding the injustice of it. With this admission I think that it must be said that legal tender might have been, and should have been, resorted to much more sparingly.

As the currency bill passed the House, it provided for funding the greenbacks in bonds having five years to run and bearing seven per cent interest, or in bonds having twenty years to run and bearing six per cent interest, the interest in either case

payable in paper currency, with the probable payment in depreciated currency of the principal at maturity. It is easy now to see that with the serious depreciation that was to come in the value of the greenback such a funding scheme would have been an utter failure.

The Senate, under the lead of Senator Fessenden of Maine, proposed amendments which, after a committee of conference of the two houses, made the duties upon imports payable in coin, and pledged the same for the interest upon the five-twenty bonds, which was made payable in coin, and also for a sinking fund for the payment of the whole public debt. In my estimation this was the anchor which held the country, and none too firmly, to real money during the war and saved it from untold disaster.

Instead of making funding attractive by the offer of liberal terms the debates show a higgling about the payment of a high or low rate of interest. The twenty-year bonds authorized by the same bill were made five-twenties, that they might be refunded at a lower rate than six per cent when the war was over. Undoubtedly the offer of twenty-year seven per cent bonds would have quickened the funding of the greenbacks very much. This, rather than any mere saving of interest, should have been the true aim.

The first issue of greenbacks, one hundred and fifty millions, authorized February 25, 1862, was universally represented in the debates in Congress as a temporary measure, and the assurance was given that no other issue would be required, as the convertibility into five-twenty bonds would prevent redundancy and depreciation.

So far was this from being realized that the statement of the public debt January 2, 1863, nearly a year after the legal tender bill, showed that only about twenty-five millions of the five-twenties had been issued, while the legal tender issues had swollen to about three hundred and fifty millions, the market quotation for gold being 134%, proving that the value of the greenback had fallen to about seventy-five cents. On June 30, 1864, the issues of legal tender had mounted to more than seven hundred millions, and the market price of gold was extremely fluctuating, often rising or falling ten or fifteen per cent in a day and sometimes thirty or forty per cent. This was

largely due to a woful error of judgment on the part of Secretary Chase.

Early in 1863 the Treasury Department had engaged the services of Jay Cooke, a banker of Philadelphia, in vigorously pushing the sale of the five-twenties, and so successful was he that by January, 1864, the whole authorized issue of five hundred millions had been sold and the bonds were going at the rate of two millions or more daily, pretty well up to the cost of the war, which was about two and a quarter millions per day. Clearly the thing to have done was to push the sale of the bonds in the supreme effort to avoid further issues of legal tender, but Secretary Chase had become so intoxicated by the recent sales of five-twenties that he determined to float a five per cent loan, which proved a comparative failure, only seventy-three millions being sold in a period of nearly six months.

As I have stated, the variations in the market price of gold, or rather in the market value of the greenback, during the last year of the war were very great, the quotations usually being much above two hundred. The extreme limit was reached July 11, 1864, when gold sold for 285½, making the value of the greenback thirty-five cents. This extreme quotation was due in part to reverses met by the Army of the Potomac, and partly caused by an act of Congress which, as a piece of financial legislation, may certainly be called unique.

Having carefully prepared the soil that would inevitably produce speculation and watered it assiduously for two years with legal tender until all large business transactions had been brought to that complexion, the government officials at Washington were grievously disturbed by the increasing quotations for gold, which they ascribed to speculation, and which were certainly alarming.

Now it may be a fair matter of discussion whether speculation did or did not increase the daily quotations. Every buyer must have a seller, and where one party was trying to raise the price by speculative purchases the other party either thought the price as high as it would go or that the price could be lowered by speculative sales.

Might it not be that these contesting efforts would balance each other, and the price be regulated by the quantity of currency in circulation as compared with the uses for it, the lack

of public confidence, and, more than all else, by the movements of the armies with the hopes inspired by successes or the dismal forebodings that followed reverses?

However that may have been, there was no question as to the fact, and Congress took measures to lessen the speculation which, in their judgment, was the cause of it.

This was attempted by an act approved June 17, 1864, which prohibited sales of gold except for immediate payment in greenbacks or bank notes and immediate delivery at the place of business of the seller; or the sale of foreign exchange except upon the same terms, with the added permission to buy or sell exchange to be paid for and delivered within ten days. This at once caused a great commotion in the commercial centres, as it would practically work an embargo upon many of the largest transactions. It was largely the practice, and very much a necessity, for shippers to make purchases and sales of produce as practically one transaction. The sum required for purchase money would be provided by the sale of the exchange that would result from the shipment of the merchandise to some foreign port, the advances made by the banker being secured by a lien upon the property until it was on shipboard and the exchange covered by the ship's bills of lading in the usual manner. It would obviously be impracticable to deliver such exchange at the office of the seller in Chicago and to be paid for it there in greenbacks or bank notes, while the produce might be out somewhere on the prairies and not be on board ship at New York for several weeks.

To have sent such merchandise forward without "covering" by the realization of the proceeds would have made the transaction a purely speculative one, with constant fluctuations in price following the quotations for gold, up or down, with the possibility of profit or loss as the market might go. There was much of this, of course, but the careful trader or one of moderate capital could safely do business only as I have outlined.

Of course Congress began at once to hear from large exporters especially of agricultural products. From New York protests went to Washington in regard to the provision of the law prohibiting the use of checks in payment for foreign exchange, and within three or four days the Solicitor of the

Treasury decided that checks upon local banks where the money was deposited and payable on demand might be received instead of greenbacks or bank notes.

As usual, I will give a leaf from my own experience. Our firm had money on deposit which might sooner or later be used in the purchase of exchange. Not knowing what fantastic scheme might next win the favor of Congress, I concluded to send it along to a safe place.

I went over to New York to buy the exchange and, not daring to rely entirely upon a bank draft to pay for it, as it was clearly illegal, I drew seventy thousand dollars in greenbacks and took a draft for an equal amount. I could get only small bills, probably fives to twenties, so that I had a parcel well on to the size of a bushel basket and quite heavy. With this and the draft in my pocket I started for New York, taking with me a clerk to assist in handling the package of greenbacks. I left him at the Astor House sitting on the greenbacks while I went down to Wall Street to buy the exchange. I do not know whether the Solicitor of the Treasury had given his opinion just referred to, but probably not, unless it was on that very day. Otherwise, if I had known of it I should have taken only drafts. At any rate, whatever the status of the law, I had no difficulty whatever in passing the draft. Neither the bankers nor I felt in much danger of being sent to jail for such a nefarious crime. I paid 260 for that exchange, being equal to about 237 for the gold. This was the highest-priced purchase made by me during the Civil War.

The New York quotation for gold which on June 18 was 195 on July 11 stood at 285. Instead of lowering the price, as was looked for at Washington, there was an advance of 90 per cent.

The statute to which I have referred was repealed July 2, 1864, having been in force fifteen days. "The wisdom of Congress," to which we are accustomed to look for the remedy for all our woes, for once had failed us!

As may be supposed, such violent changes made all business operations extremely hazardous. I can give an illustration from my own experience which will serve as a sample of the uncertainties of that period. A large ship-owner of Portsmouth, New Hampshire, who usually sold our firm the exchange resulting from the freight earnings of his ships, came in one

morning with a bill on London for five thousand pounds sterling. I knew the quotation at which gold had closed in New York the previous day, and told him what I would pay for it. He said that he had not made any inquiry and that he would run down to State Street and be back in half an hour. I said, "All right, but my offer does not stand. Come back in half an hour and we will start again." The result was that he came back in half an hour and sold me the exchange for three thousand dollars less than my first offer. Before he had been gone many minutes I received a telegram from New York that gold had fallen twelve per cent or so, which made his bill worth so much the less. Such changes, sometimes one way and sometimes the other, were occurring all the time and could not be foreseen. It does not require much business experience to perceive the annoyance and anxiety that must accompany such a condition. Everything was then depending upon the action of the armies, and in that summer we sustained some terrible reverses. The war had been prolonged beyond all expectation, and although the nation continued hopeful and confident it could not be disguised that there was great danger. The gold quotations were the barometer which showed the possibilities, and perhaps the probabilities, of the future. When the value of the greenback had gone to thirty-five cents, it certainly showed that confidence was very much impaired and the future in doubt.

The triumphant re-election of President Lincoln in November, 1864, was a staggering blow to the Confederacy, and thenceforward there were signs that the Southern cause was surely wearing out, and fortunately for us the great successes of our army brought the rebellion to an end in April, 1865.

Of infinitely more importance than any possible losses to individuals was the imminent danger from currency conditions to the national cause. We hardly dared at that time to consider what would happen if the war should continue for another year, but no harm can result in considering it after the lapse of fifty years.

If the currency had been kept upon a sound basis, or anywhere near it, the resources of the North and the patriotic devotion which never quailed were sufficient to have carried on the war for years.

With the continuance of the war, military reverses, and the little to be hoped for from the sale of bonds, the flood of legal tender that would have been inevitable would undoubtedly have carried gold upward by leaps and bounds, very likely reducing the greenback to a merely nominal value, with possibly a collapse that would have meant financial chaos.

We were unquestionably skating upon very thin ice, with dangers that have never been fully realized. I know that they caused me some sleepless nights in the summer of 1864.

Though at the risk of being thought guilty of a little self-laudation, I will mention one other detail relating to the five-twenty bonds, as it has some historical significance.

In September, 1867, a movement was started by Senator Pendleton of Ohio, which was seconded and taken up by General B. F. Butler of Massachusetts, to call in the five-twenty bonds then outstanding, amounting to more than twelve hundred millions, paying them in currency then worth about seventy per cent in gold, with a view of refunding them at a lower rate of interest. This scheme was advocated by General Butler in a communication to the New York *Tribune*, plausible but full of mis-statements, which was copied in the Boston *Daily Advertiser* of October 3d. I was very well informed upon that subject and was able to show conclusively, as I did in the columns of the *Daily Advertiser* two days later, that the bill authorizing the five-twenties made the duties upon imports payable in coin and pledged them not only for the interest upon the five-twenties, but also for the principal of the whole public debt, and that, in reply to constant inquiries during the sale of the five-twenties, the Treasury Department had definitely stated that the five-twenties as well as all the other public debt were payable at maturity in coin. I said further that the attempt to discharge a debt not due for fifteen years in paper currency worth but seventy cents on the dollar would be a gross breach of the public faith, not to be considered for a moment by any nation claiming to be honest.

The matter was beginning to excite great attention in the public mind, and the proofs which I adduced were so conclusive that my communication was at once copied in many of the leading newspapers of this country and by the London *Daily News*. Mr. John M. Forbes and a few others, who had been

connected with the Loyal Publication Society of the Civil War, resuscitated the machinery of that Society and sent this, and other articles which followed it, to practically every newspaper in the Northern and Western States. Thus the editors of the country papers, not likely to be very well informed upon financial questions, were furnished with material which enabled them to combat the sophistries and false statements advanced in support of the proposed scheme.

It was thought at the time that the broadsides sent out by the Loyal Publication Society had an important influence in educating public opinion throughout the North and West.

The Democratic party was very generally committed to this attempt at repudiation, but the Republican party mustered the courage to put in their platform of 1868 a plank denouncing any attempt to pay the bonds of the United States until they could be paid in gold or its equivalent.

The first legislative act of General Grant's administration made this secure by declaring that all the bonds of the United States should be payable in coin.

I have now brought these rambling recollections down to a period within the memory of those whom I see about me, and I will leave it to them to take up my task and chronicle the changes of the coming years.

The EDITOR read a paragraph on the Monroe Doctrine from the following despatch, which had been sent to him by Prof. Ephraim D. Adams, of Leland Stanford, Jr. University, California.

CANNING TO VAUGHAN.

F. O. America 209. Vol. 10. FOR. OFF., Feb. 8, 1826.

Secret and Confidential.

SIR, — By your Despatch marked "Secret and Confidential" of the 21st of December last, it appears that in a Conversation with the American Secretary of State upon the subject of Cuba, You suggested an interference by the United States of America to dissuade the Mexicans and Columbians from making any attack upon Cuba.

You will not find in your instructions any authority to hold this language. The matter of Cuba is one which was, as you know,

brought into discussion between the British and American Governments last summer, and if it had been intended that you should treat with the Secretary of State of the United States in a matter so delicate, as the proposed interference of neutral Powers to controul the legitimate operations of belligerents against each other, You would not have been left without Instructions, upon a point of as much novelty, as delicacy and importance.

If the United States think their interests likely to be affected by the continuance of the war between Spain and the new transatlantick States, they are probably right, and perfectly at liberty to employ their good offices to bring about a pacification.

We have long endeavoured to do so, but in vain; and Spain has been uniformly the recusant party.

If the United States think that particular interests of their own require that a certain operation of war should not be undertaken by one of the Belligerents, — it is a question, and a very nice one for them, how they will prevent the undertaking of it; but it is manifest that we have not the like interest, either to induce or to justify us in so unusual an interposition.

If there were any thing in the attack upon an insular Possession of Spain by a Power, openly and lawfully at war with Her, which was beyond the rights of war, or contrary to those of humanity, there might be some grounds of interference, on the part, not of the United States only, but of all Neutral Powers. But if it be merely the interests of the United States that are concerned, that ground of interference can only belong to them, nor is there any obligation upon us, to share the odium of such an interposition.

The general maxim that our interest and those of the United States are essentially the same, etc., etc., is one that cannot be too readily admitted, when put forward by the United States.

But we must not be the dupes of this conventional language of courtesy.

The avowed pretension of the United States to put themselves at the head of the confederacy of all the Americas, and to sway that confederacy against Europe, (Great Britain included), is *not* a pretension identified with our interests, or one that we can countenance as tolerable.

It is however a pretension which there is no use in contesting in the abstract; but we must not say anything that seems to admit the principle.

I trust you have not written to Mr. Ward in the sense of your Despatch to me. If you have done so, I beg that you will immediately write to him again, (but by a safe conveyance), to desire him to consider what you had before written *as cancelled.*

Further I have only to desire that you will not revert to the subject with Mr. Clay; and if he shall revert to it with you, that — you will simply say — that you have no Instructions to enter upon it.

I need hardly add, that you are not, on any account, nor at any time, to let the substance of this Despatch transpire to the American Gov't.

[George Canning.]

Petitions for Lafayette's Release.[1]

Hamburg 10 January 1796.

An address of the American citizens now in the port of Hamburg to John Parish Esqr. Consul of the United States.

We the underwritten citizens of America, now at Hamburg and other places within your consulship, beg to make a request, which if attended with the success that may be expected from it, would become singularly serviceable to the United States in general, and individually so to each member thereof.

It is but too well known that on the 19th of August, 1792, General La Fayette, ever faithful to the principles of liberty and vertue which rendered him so dear to us, was obliged to leave France and take shelter in a neutral country, and had the misfortune to fall into the hands of the allied powers. In their different prisons, he has experienced the most rigorous treatment, and his health has been exposed to continual danger. During the last eighteen months he has been closely confined in the fortress of Olmütz with two friends of respectable character, Mr. de la Tour Maubourg and Mr. de Pusy, without being allowed to hold any communication with them. And whilst in virtue of treaties of peace, exchange of prisoners both military and civil, prisoners on all sides have been released; and notwithstanding the measures taken by the ambassadors of the United States at various courts, together with those of particular envoys, and the claims of the friends of humanity of every country, it has yet proved impossible to obtain the liberation of our worthy fellow-citizen.

The underwritten citizens, deeply concerned at his afflicting situation (a situation rendered still more so, as his lady now participates in all its severity) wish to avail themselves of the ties of friendship and commerce subsisting between the Danish and American nations, in order to lay before the court of Copenhagen their wishes

[1] From the Adams Mss.

and solicitations that that power would be pleased to become mediator with the imperial court in behalf of the restoration of the General to our fellow citizens, and to his son, who is already arrived at Boston. And we likewise beg to observe that it would not be less becoming the wisdom and humanity which distinguish that court to represent to the cabinet of Vienna that the deliverance of General La Fayette and his two friends would be (as it has been repeatedly said in the parliament of Great Britain by senators as learned as patriotic) an indispensable preliminary to convince governments and all well disposed men of the justice and moderation of his imperial majesty. Moreover, if it were possible that the peculiar situation of General La Fayette should, for want of suitable objects, still furnish pretexts of delay, you will have the goodness to inform us, what sum the powers which detain him are pleased to require for his ransom.

Such, Sir, is the unanimous resolution and request of the citizens of the United States, who are in the cities and ports within your consulship, and who are, Sir,

Your most obedient humble Servants,

John Gregory, of Petersburg, Virginia.
Z. Hen. Muir, of Philadelphia.
W. St. John, of New York.
W. A. St. John, of New York.
—— Barbazan, of C's Town, S. Carol:
Wyatt St. Barbe, of Massachusetts.
John Coode, of Savannah.
Benj'n Fernald, of Boston.
Rob't Wilson, of Philadelphia.
James Erving, of Philadelphia.
Melutuceh Clapp, of Boston.
Mark Riley, of New York.
James Baxter, of Philadelphia.
Dederic Tegeler, of C's Town.
John Soren, of Boston.
Tho's Blake, of New York.
John Smith, of Philadelphia.
Peter York, of Pennsylvania.
Wm. Appleton, of Portsmouth.
John Fleming, Baltimore.
William Coggeshall, Boston.
Edmund Upton, Salem.
John Groves, Baltimore.
Wm. Skinner, Massachusetts.
John Ward, of New York.

These are to certify, That the aforegoing is a true Copy of the Original deposited at my Office. Given under my Hand and Seal, Hamburgh the 22d January, 1796.

J. PARISH,
Consul for the United States of America.

Seal of the American Consulate at Hamburg.

To the honourable John [Quincy] Adams, Esquire, Minister plenipotentiary from the United States to the Republic of Holland.

We, the underwritten citizens of the United States, now in the cities of Amsterdam, Rotterdam, and other places belonging to the Republic of Holland; after having perused the memorial addressed to John Parish Esqr. consul of the United States, at Hamburg, unanimously signed by our fellow-citizens in the towns and ports of Germany within the limits of his consulship, have entirely adopted the sentiments and wishes contained in the said memorial. We have considered too with satisfaction that the minister to whom we naturally make our application belongs himself to a family distinguished among the most eminent co-operators in our happy and vertuous revolution; and, that in lamenting the unheard of persecution on the part of so many governments against a single man, we address ourselves to you, Sir, who bear one of the names which in the American war were honoured by a particular proscription on the part of a government at that time inimical; and we make the following declaration.

We leave to the annals of history to determine upon General Lafayette's conduct in the French revolution, and to politicians to decide whether the enemies of that revolution ought to wish for the absence of a chief, who has been always strenuous to establish it on the basis of justice and humanity; We will satisfy ourselves with observing, that although the whole tenour of his life ought to render him dear to the true friends of liberty, it is not less true that his open and generous conduct on all occasions, (extended even to his declared enemies and often at the peril of his life) must have commanded the esteem, and in certain personal instances, even the gratitude of men of all opinions and parties.

But what we have to represent (and what we should develope with more detail were we not addressing a fellow-citizen himself partaking in these universal sentiments of gratitude and affection for General Lafayette) is the enthusiasm that in the moment in which, bereft of all assistance in Europe, our affairs seemed on the verge

of ruin, stirred up this youthful defender of our cause; it is his unremitting and signal services, when in the midst of danger and difficulty at the expence of his fortune and blood, his talents both military and political were so efficaciously devoted to the United States; it is the testimonies of affection and public confidence, testimonies which no man, in any country whatever, experienced in a higher degree than the general has in each and all of our republics; it is, above all, that anxiety for his welfare, that impatience to see him again on our shores, which is so feelingly expressed in the letters we receive from America; and to which we are obliged to answer "that whilst prisoners of every description who have been taken in the present war have, in one mode or other, been exchanged, General Lafayette and his two friends remain languishing in their close and rigorous confinement."

Far be it from us, Sir, to accuse with negligence those men in a public capacity, or the private friends of the general, who ought or who have had it in their power, to co-operate in his deliverance; we are persuaded, that for three years past, the most suitable and expedient measures have been taken by our government, the principal magistrate of which is attached to the unfortunate general by all the ties of paternal friendship. We know the American Ambassadours at every court have used unremitting endeavours in his behalf, and that private agents have been sent to the powers which detain him. It is with pleasure we recollect that in the bold attempt made a year ago to release him, two Americans were associated in the generous enterprize.[1] We have seen the honourable claims which have been made on the part of the friends of humanity in every country, and it is with the profoundest sentiments of admiration and gratitude that we ought to thank the liberal and patriotic members of the English parliament, who have frequently, and in so eloquent a manner reprobated this detention, of the injustice of which they were so feelingly sensible; and who in their endeavours to clear the government of their own nation from all suspicion of having any part in it, make us still more convinced how greatly it concerns the honour of America to manifest its claims respecting the general's deliverance.

It is nevertheless, Sir, but too true (and men of worth express their surprise thereat, and such as are fond of relying on the good intentions of the allied powers feel extreme uneasiness, and particularly the citizens of the United States are deeply afflicted) that the measures taken relative to the general for three years past, have only produced his removal from prison to prison; and, without entering into the detail of his successive places of confinement and

[1] Erick Bollman and Francis Kinloch Huger.

the sufferings both mental and corporeal which he has undergone, we will confine ourselves to observe that for the last nineteen months he has been a close prisoner in the citadel of Olmütz, as also have his two faithful companions, Mr. delatour Maubourg and Mr. de Pusy, who like himself, during the course of the French revolution, have incessantly manifested themselves the friends of liberty and public order, and the strenuous adversaries of every thing that militated against these two grand bases of national welfare; that since their entrance into this prison they have not been allowed to hold the least communication together, that for a year past, General Lafayette has not been permitted to speak to his servant; and (what we may venture to call an unheard of refinement in cruelty) his servant was not allowed during the dangers which menaced his family, to answer him, in one single instance, whether his lady and children were or were not in existence.

We know, indeed, that his worthy lady a few months since, after having herself almost miraculously escaped the fate to which another government (that of which Robespierre was the head) had destined her; after having long lingered in a prison, the rigours of which were embittered by misfortune and disquietude of mind, embarked, by virtue of a passport granted her by the French republic on board an American vessel, that she has sent her son to America, as it were by way of earnest of the General's intention to return thither as soon as possible; that accompanied by her two daughters she has taken the affecting resolution of burying herself in a new prison; and that in order to behold again a husband and a father so dear to their hearts, they were obliged to submit to partake in all the privations and rigours of his confinement, the knowledge of which has reached us, and are such as we are convinced, are unknown to the sovereign in whose name they are exercized.

Till of late, Sir, we have not even ventured to doubt but that the obstacles in the way of the general's liberation would be removed, either out of respect to justice and the law of nations, or the considerations of decent policy; or on account of public and private measures taken by the Americans; or the motives suggested by enlightened and feeling men of every country or, in fine, through the circumstance of the exchange of prisoners, and above all, through the reflections which the arrival of this interesting family is calculated to excite; but, since nothing has yet been able to open his prison gates; since the present powers to be applied to on this occasion appear to be now reduced to two only, and that a portion of the English government, which though far from being friendly to the person or cause of the general have nevertheless declared, in parliament even, that they should not contribute to his detention,

and whilst, on the other hand, the court of Vienna and their ambassadours positively declare that his deliverance does not solely depend on them, we address ourselves to you, Sir, to entreat you to endeavour to clear up this inexplicable mystery. The post you fill, together with our confidence in your sagacity, and the rights of the nation you represent; all concur in assuring us that you will neglect nothing to obtain the wished-for mediation of the Danish court, and that no expedient (that even of a ransom) will be untried by you in order to restore him to liberty, who has himself acted so nobly in her cause.

Such are the sentiments and the earnest entreaties of the underwritten citizens of the United States, now in the ports and towns of the Dutch republic; and who have the honour to be,

Sir,

Your obedient humble Servants

[*No signatures.*]

Remarks were made during the meeting by Messrs. Ford, Sanborn, Storey and T. L. Livermore.

DECEMBER MEETING.

THE stated meeting was held on Thursday, the 12th instant, at three o'clock, P. M.; the first Vice-President, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the Librarian read the list of donors to the Library during the last month.

The Cabinet-Keeper reported the gift, by Horace Leslie Wheeler, of a Columbian badge used on Columbus Day in Boston, 1912; by Leslie Talbot Baker, of a photograph of a daguerreotype of Daniel Webster; by Miss Sarah H. Blanchard, of a Psi Upsilon pin, a Phi Beta Kappa medal, and a silver key, with chain, bearing the engraved initials "S. G. I.," which belonged to Henry W. Haynes.

The Editor reported the deposit, by William Sumner Appleton, of thirty-one volumes and parcels of manuscript material, being the papers of his grandfather Nathan Appleton, and the genealogical material prepared by his father, William Sumner Appleton.

The Editor also presented the draft of a Memorial, approved by the Council, urging upon Congress the erection in Washington of a National Archives Building. It was voted that the memorial be referred back to the Council, to be signed by the President, by vote of the Society and by the authority of the Council.

Edwin Francis Gay, of Cambridge, was elected a Resident Member of the Society.

SOUTHERN NEWSPAPERS PRINTED ON WALL-PAPER.

In presenting to the Society an issue of the *Opelousas Courier*, April 25, 1863 (vol. 11. no. 24), printed upon wall-paper, which had been in his possession since about 1868, Mr. NORCROSS called attention to these curiosities of the Civil War, of which

quite a number were printed but examples are now rare. The wall-paper permitted an impression to be made on only one side of it, the other being a more or less fancy pattern or colored figure. The quality of the paper was such as to make preservation difficult, and the edition was, as a rule, small in number. It has been a tradition that because of the scarcity of paper in the South during the war the printers of these newspapers were obliged to use whatever material they could obtain, and so resorted to wrapping and wall-papers. In fact the larger number of these issues was made by the federals, as the contents of the papers show. On occupying a town, the federal troops would find the forms of the journal ready for printing, and, leaving the columns of advertisements unchanged, they would compose news columns of their own, and print the forms on whatever paper they could get.

The *Opelousas Courier*, established in 1852, was, at the outbreak of the war, a weekly paper, published in French and English, at Opelousas, Louisiana, by Joel H. Sandoz. It is still printed at the same place by Leonce Sandoz. In 1862 Opelousas was the capital of St. Landry parish, on the New Orleans, Opelousas and Great Western (now the Louisiana and Texas) Railroad, about fifty miles west of Baton Rouge. It was then the seat of Franklin College, founded in 1839, but that institution is no longer in existence. The federal troops, under Major General Banks, occupied Opelousas April 20, 1863. The Boston Public Library has a copy of *Le Courier des Opelousas*, dated April 18, and printed on wall-paper; that it was printed by the federal troops is proved by its having on the same piece an issue of the *Opelousas Courier*, April 22, an English sheet.

The Society already possessed a copy of *La Sentinelle de Thibodaux*, October 25, 1862 (vol. II. no. 31), which is a true Confederate issue. This also was a weekly, published in French and in English by François Sangan, and had only recently been established — in 1861. This newspaper also survived the war, and is still published by H. R. Dupré.

The Library of Congress has the *Natchitoches Union*, Natchitoches, Louisiana, April 2, 1864.

The American Antiquarian Society possesses two issues of the *Southern Sentinel*, printed at Alexandria, Louisiana, March

21 and 28, 1863, being the first two numbers of volume I. It also has two issues of the Vicksburg, Mississippi, *Daily Citizen*, both dated July 2, 1863, but one was in fact printed on July 2, and the other on July 4. The first has been issued in facsimile, as the last Confederate newspaper printed in Vicksburg, by Edmund M. Hatches, of Columbus, Ohio, and again by the Gage Tool Company, of Vineland, New Jersey. The second issue, "set up for printing July 2, before the surrender of the place to General Grant, and issued by his order July 4," was also reproduced in 1885, at Dunkirk, New York, with an additional column containing an obituary notice of Grant. J. M. Swords was the proprietor of the *Daily Citizen*. A copy of the issue made on July 4 is in the Pennsylvania Historical Society. The Library of Congress has issues of the *Daily Citizen* on wall-paper, of June 18, 20 and the two of July 2, 1863.

Thus eleven issues of Southern newspapers printed on wall-paper during the Civil War have been traced.

In this connection may be mentioned the evening edition of the Memphis *Daily Appeal*, March 20 and 22, 1862, two numbers printed on bright green paper, much smaller in size than the usual edition, but printed on both sides of the sheet. The issue of March 24 was printed on bright yellow paper. Examples of these three papers are in the Boston Public Library.

In 1894 a strike in transportation held up a supply of paper intended for the *Whiting* (Indiana) *News*, and its issue of July 6, 1894, appeared on wall-paper.

Dr. GREEN then said:

I wish to communicate some letters and other manuscripts which are the gift of Dr. Lincoln R. Stone, of Newton. They are of interest as they relate to matters connected with early events during the War of the Rebellion, and to a certain extent they supplement the papers given by our late associate Mr. Josiah P. Quincy, at the meeting on February 13, 1908,[1] as well as those given by Mrs. William B. Rogers at the meeting on June 11 of the same year.[2] Apparently all these documents came from a common source. To this there is an easy explanation of the fact. Dr. Stone, who gives the papers now pre-

[1] *Proceedings*, XLI. 326. [2] *Ib.*, 509.

sented, was the assistant surgeon Second Regiment, Massachusetts Volunteers; Gen. S. M. Quincy, from whose papers came the collection presented on February 13, 1908, was commissioned originally as captain of the Second Massachusetts Volunteers, and was serving as such during the early part of the war; and Mrs. Rogers's brother, James Savage, was a captain also in this regiment. It will thus be seen that these military officers all belonged to the same regiment; and presumably the papers came from the same files. Dr. Stone was a fellow student of mine at the Harvard Medical School, and later we were comrades together in the army.

ANDREW HUNTER[1] TO J. HARRISON KELLY.

CHARLESTOWN, January 17th, 1859.

MY DEAR SIR, — I believe it was in your paper, and through your partial kindness, that my name was first presented to the public as a suitable opposition candidate for the Governorship of Virginia. The suggestion has been repeated from many other sources, in connection with this or the office of Attorney General; and now from private information recently received, I have reason to believe it highly probable, should I remain silent, I may be honored by a nomination for one or the other of these high offices.

This state of things places me in the embarrassing position, should I decline at once, if I may be allowed the homely phrase, of seeming to kick before I am spurred; while on the other hand my forbearing to do so within a proper time before the assembling of the Convention, may subject me to the grave imputation of being wanting in frankness towards those, whose undoubted kind intentions have brought my name before the public.

Allow me, therefore, in choosing the least of these evils, to ask through you who I am sure will rightly appreciate my motives, that my name may be withdrawn from all connection with either of these offices.

Private and personal considerations and the utter absence of any desire for political preferment, would alone lead me without hesitation to this conclusion. Yet in the spirit of candor due to those to whom I am so much indebted for the proposed honor, I feel bound to add that there are considerations of public duty and of

[1] Andrew Hunter (1804–1888) was named, by Governor Wise, special prosecutor of John Brown. Villard, *John Brown*, 485, 685. He was paid $1500 for this service.

a political character in the way, which I cannot conscientiously disregard.

These I forbear even to mention, much less to discuss, as my sole purpose in this is to withdraw my humble name from the public prints, back to the retirement in which it has rested, for a number of years past. Very truly your obt. Ser.

ANDREW HUNTER.

JAMES BUCHANAN TO ANDREW HUNTER.

WASHINGTON, 17 December, 1859.

MY DEAR SIR, — Many thanks for your kind letter by Lieutenant Green:[1] I am gratified that you speak so highly of him. I believe he deserves all you say in his favor.

It is a matter quite indifferent to me whether Stevens[2] shall be tried by the State or Federal Judiciary. I am anxious, however, to know at the earliest moment the decision of the Authorities in Virginia and this mainly on account of my Message.[3] I feel, therefore, much indebted to you for your friendly offer to communicate it to me without delay.

Yours very respectfully,

JAMES BUCHANAN.

RICHARD PARKER[4] TO ANDREW HUNTER.

WINCHESTER, Tuesday morn'g, Dec. 26, 1859.

MY DEAR SIR, — Your note of the 15th instant, written from Taylor's Hotel, by some carelessness was not received by me until last night.

I am very clearly of opinion that Stevens should be tried in our State Court, and should not be surrendered to any other tribunals. His great offence was that of advising and encouraging our slaves to make insurrection, an offence against Virginia peculiarly, but not against the U. States. He is now in custody for this violation of our law, and no other Government has the right to demand his surrender for any alleged offence against it. They can only ask this after a

[1] Probably Israel Green, of the United States Marines, who led the attack upon Brown at the engine house, Harper's Ferry. Villard, 450, 642.

[2] Aaron Dwight Stevens. Wise in November thought Stevens could better be tried in the United States District Court, but was opposed to such a move in December. *Proceedings*, XLI. 329, 516; Villard, 477, 478.

[3] His third annual message was dated December 19, 1859, but its reference to the Harper's Ferry affair does not mention the question of courts.

[4] Presided at the trial of John Brown and his followers. Villard, 644.

trial in our courts, and his acquittal or suffering the punishment we may impose upon him.

I do not pretend to know by what writ or order, a man indicted of felony and in custody, can be removed from without the jurisdiction of the Circuit Court in which he is so indicted. I have thought he must remain in that custody, until he is discharged by the entry of a *Nolle Prosequi*, or by acquittal, unless indeed he be bailed out in the cases provided by law, when his custody is changed from the jail of the proper county to his bail.

If delivered up to the United States, for what offence can they try him? Not for exciting insurrection amongst our slaves, for that is an offence against us, but not against them. Nor for the murder of our citizens, for no such murder was committed in any place within *the exclusive jurisdiction of the U. States*.[1] Boerley, Beckham,[2] and Turner[3] were each of them when killed outside of the Harper's Ferry purchase. Then he can be tried in the Federal Court solely for levying war against the United States. I will not inquire whether such a prosecution can be maintained, for I cannot conceive why Virginia should forego an investigation into these other serious offences perpetrated upon her citizens and against her institutions, which she alone can inquire into and punish. But really I do not see within the Commonwealth any arm long enough and strong enough to loosen the shackles which now bind this man under the regular commitment of law.

I have been waiting to see what action the Legislature may take as to a special term in Jefferson. But for its interference I should order a special term for trial of Stevens.

If Stevens alone be tried at such term, let me know whether you will want a Grand Jury.

If such term be held, I should be glad to have other business done — as much as reasonably can be in two or three weeks.

With kindest regards to all your family I am

Yours truly,

RICHARD PARKER.

ALEXANDER R. BOTELER TO ANDREW HUNTER.

WASHINGTON, Jan. 9th, '60 [1861].

MY DEAR SIR, — Your letter of the 7th came to hand last night and I made it my first duty this morning to call on Col. Craig[4] in

[1] For opinion of Caleb Cushing, see Villard, 644.

[2] Fontaine Beckham. [3] George W. Turner.

[4] Henry Knox Craig, of Pennsylvania, chief of ordnance, 1851–1861.

reference to the removal of arms from our Armory. I showed him that part of your letter upon the subject and assured him that it would make trouble and complicate all our difficulties if they attempted to transfer the arms to other points, especially to the North. He assured me that the requisition for 1000 rifles was strictly in conformity of the usual routine to keep up the regular supplies for the army, and to meet the annual demand of the States under the Act of 1808 for arming the Militia. It seems that the order you refer to is but the repetition of a former order made months ago and not in reference to the present state of affairs, and that a similar demand for the same number of guns for the same purposes was made on the same day at the Springfield Armory. I agree with you in the impolicy of making such requisitions at this time and I told the Chief of Ordnance that they would make serious trouble if repeated.

A word now about the recent movement of troops to H[arper's] Ferry. So soon as I heard that Barbour[1] had requested the Department to send a U. S. guard there (and he did it in the consciencious conviction that it was his duty to do so as a sworn officer of the Federal Government and the custodian of its property), I drove immediately from the House to the Department and protested as energetically as I could against the movement and I felt sure from what was said to me on the subject by Col. Craig and Adjt. General Cooper [2] that the order would be countermanded and I was greatly surprised and troubled in learning that the guard had been sent. It was unwise, impolitic and ill-timed; but being there now the guard should be well treated, etc.

Yesterday I told Genl. Scott that we all regretted the movement in question and he assured me that it was made without his knowledge, and was the only movement of late which he had not been consulted about.

Things are getting worse here daily. I now can see no hope of such an adjustment as will be right for us to accept. The North seems determined to have the Union dissolved and I really fear that we will soon be obliged to abandon all hope and that civil war will be the consequence.

I never was in such trouble in all my life, for what will we on the border be called on to do and to endure when the war breaks out?

[1] Alfred M. Barbour, Superintendent of the Harper's Ferry Armory and Arsenal, a son of James S. Barbour, and formerly in the Virginia legislature.

[2] Samuel Cooper, of New York, adjutant general, 1852–1861. He served in the Confederate army 1861–1865, and died December 3, 1876.

Its horrible to think of but I cannot now see how it can be honorably averted.

Yours truly,

A. R. BOTELER.[1]

HENRY A. WISE TO ANDREW HUNTER.

RICHMOND, April 2nd, '61.

MY DEAR HUNTER, — I have been throttled by an influenza as by a bull dog's grip. It wont let go and has held so long I begin to fear the cough which lingers yet behind in my throat is "a church-yard cough." No matter, I can croak out of a rattling voice some speech-grenades among those *traitors, or tardy true men.* I dont know which is worst, yet I fear they are trying to slough off the Southern States and keep us in a Northern Confederacy where the deadfall of this crisis caught us. On this I arraign them as the worst Disunionists after all their preachment on Union. I fear I shall hardly have strength or lungs for a set speech, but shall try it, if at all, some time next week. There is heavy work before us this Spring, and on and on until we save this Commonwealth. If the People were ready I am ready to-day to go out of this house of bondage with the North, whose freedom is tyranny. But it is folly to tender naked Secession to Va. and risk final defeat forever. We must train the popular head and heart. To do that I started the call of a *Select* Convention with the sole end of thorough organization of a Resistance party for the spring elections. Once organized we will be ready to concert action for any emergency, mild, middle, or extreme. We may be driven to extremity; I dont mean to submit — never. The minds of *men* are made up on that. I think now there is *some chance of making a show* for a proposition for Virginia to resume her rights and powers, take a separate, independent position, make a Constitution, tender it to S. Confederates, Border States and free States and invite all again to join on our basis, take all who do and leave those who do not to abide events and their own time. This is the only chance of getting a New Union of most if not all the States worth having, on Virginia's own terms. So be sure to come on the 15th.[2] This convention may be gone, if not, you 'll put a cold sweat on 'em. So come, be sure. And bring Lucas and every true man like him. Give him my best regards. And to Mrs. H. and family present cordially and sincerely,

Your friend,

HENRY A. WISE.

[1] Alexander R. Boteler (1815–1892), elected a representative from Virginia to the Twenty-sixth Congress as a National American.

[2] Rhodes, *History*, III. 378.

JUDAH P. BENJAMIN TO ANDREW HUNTER.

Confederate States of America,
Department of Justice,[1]

RICHMOND, 15th Sept., 1861.

DR. SIR, — I have your favor of 13th inst. I do not know yet what the President's views may be, and there will not probably be any nomination made until November: but I will say to you frankly that I consider the board of Commissioners provided by the Sequestration act as a mere temporary court, to be succeeded by the Court of Claims. Now Judge Scarborough seems to me to have a position which makes it due to him that he should be continued in an office that he abandoned when his State seceded, and the inclination of my mind at present is to tender the appointment to him, if the President agrees with me in opinion. Still your recommendation of Capt. Hoge[2] is so earnest that it will be taken into careful consideration and I will file it with the other papers on this subject to be submitted to the President at the proper time.

You are my dear sir too well known to me by reputation, to make it at all necessary that I should enquire about the value to be attached to your recommendation.

Yours respectfully,

J. P. BENJAMIN.

On behalf of Robert Marion Pratt, Dr. WARREN presented to the Society a watch which had belonged to Dr. Mather Byles (1707–1788) of the Hollis Street Church, Boston. At his death it passed to the daughter, Catharine Byles, who left it by will to Mrs. Julia Goodnow, a companion. When the effects of Mrs. Goodnow were sold at auction on her death, this watch was purchased by G. W. Pratt. Dr. Warren read an account of the daughters of Dr. Byles, printed in a newspaper of 1837. The watch bears on its face the name of the maker, "Brown, Boston," and on the inside cover to the works "Gaw'n Brown, 186." It also has in the usual removable case a paper reading

> He that his watch would keep this must he do,
> Pocket his watch, and watch his pocket too.
>
> C. BYLES.

[1] A printed heading on paper bearing in the upper left-hand corner the embossed stamp "U. S."

[2] John Blair Hoge (1825–1896), of Martinsburg, Virginia, now West Virginia.

A curiously shaped key accompanies the watch. The tradition that the watch had been made in Boston, England, and had belonged to Rev. John Cotton, passing from him to the Mathers, cannot be maintained. Gawen Brown was a well-known watchmaker in Boston, and married, June 18, 1760, Elizabeth, daughter of Dr. Byles by his first wife, Mrs. Anna (Noyce) Gale. The Boston *Evening Post* (January 16 and February 6, 1749) contained the following advertisement:

This is to give Notice to the Public, That Gawen Brown Clock and Watchmaker lately from London, keeps his Shop at Mr. Johnson's, Japanner, in Brattle-Street, Boston, near Mr. Cooper's Meeting House, where he makes and sells all sorts of plain, repeating and astronomical Clocks, with Cases, plain, black Walnut, Mahogany or Japann'd, or without; Likewise does all Sorts of Watch Work in best Manner and sells all sorts of Clock Strings, London Lacker, and white Varnish for Clocks, a great variety of Files for Clock Work, Glasses or Chrystalls, Keys, Strings, Pendants for Watches &c.[1]

For a second wife he married, October 19, 1764, Elizabeth Adams. In 1769 he was living on King Street. In 1773, with James Bowdoin, Jr., he administered on the estate of William Bowdoin, and transferred some property in November, 1784.

Mr. HART read a paper on "The Presidency," showing the inevitable tendency to extend the powers of the office.

DR. STIMSON'S DIARY, 1776.

Mr. STIMSON presented the manuscript of a fragment of a journal by Dr. Jeremy Stimson, with transcripts of two dis-

[1] The Society owns a memorandum book of Gawen Brown, 1753–54, containing drawings of the works of clocks and dimensions of various parts. Among the sketches are the "hands of Mr. Franklin's machine," with stencil impressions of the completed hands. A "table of equation, showing how much a Clock or Watch ought to be Faster or Slower than a sun Dial any day of the Year," is supplemented by the statement that on April 16, June 18 and December 24 there should be "no Equation of Time; a Good Dial and Clock must be exactly at the same minute." Mention is made of two London watchmakers, Thomas Reynolds of St. Martin's le Grand, and John Mintern. There are also the texts preached upon by Rev. George Whitefield in Boston, beginning October 9, 1754 — twenty-six in all. The farewell sermon in Boston was preached November 7, and was followed by two in Cambridge.

courses, one entitled "Be Merry and Wise, or, A Guide to all Mankind," and the other, a sermon by Sterne, taken from the *Sermons of Mr. Yorick*. Dr. Stimson prepared the topographical description of Hopkinton, Massachusetts, printed by the Society in 1794 (1 *Collections*, IV. 15). The Diary is as follows:

Sept. 4th, [1776] Visitted the Sick as usu[el]. Lt. Drewry Lost Part of one of his Feet by a Cannon Shot from the Ship that went up the River no other Damage dun by the Ship as yet.

Sept. 5th. two of our men killed to Day by a Cannon Ball. Did not Belong to our Regt.

Sept. 6. Doct'r Frealand[1] continues Very Sick. Visited the Sick as usuel. Nothing Extrodinary hapned.

Sept. 7. Visited the Sick as usuel. Nothing Extrodinary hapned.

Sept. 8 & 9. Heavy Cannonadeing. no Damage Dun on our Side.

Sept. 10. Doct'r Frealand Began To Do Duty again.

Sept. 11. Visited the Sick as usuel. Peacible on all Sides.

Sept. 12 and 13. Nothing Extrordinary Hapned.

Sept. 14th. Recv'd orders to Examing the Sick and send away such as are not Fit for Duty. this afternoon there was hevy Cannonadeing From two Ships and 4 tenders, that went up the East River.

Sept. 15th. the Regulars Landed at Horns Hook. our People was Put into Great Confusion. The Regulars made themselves masters of the City of N. York and the a Jacient towns as Farr as Harlem our People lost a Great deel of their Baggage by their Precipitate Retre[at].[2]

Sept. 16. Got the Sick Over Kings Bridge. Was much put to it to git any thing For their subsistance.

Sept. 17th to Sept. 21st stay'd at Kings Bridge. Underwent a Great deel of Hardship arived at Horsneck the 21 at Night very sick. Bought a horse by the way For which I gave £9.

Sept. 22d. Remained Sick.

Sept. 23d. Got better Visited the sick Stayed at Horseneck From Sept. 22d. to Oct'r 15 and tended the Sick. Nothing Extrodinary hapned.

Oct'r 15. Went to Camp and Doct'r Freeland Came out to Horsneck.

[1] James Freeland, of Sutton, surgeon in Col. Ebenezer Learned's regiment, and afterwards doctor in Col. Jonathan Holman's regiment.

[2] The battle of Harlem Heights occurred September 16. The events of these eight weeks are given in Johnston, *Campaign of 1776* (Long Island Hist. Soc.).

Oct'r 16th. Visited the Sick in the Regt. which then Lay at Harlem.

Oct'r 17th. Had Orders From Gen'll Fellows [1] in the Morning before I was up to examin Holmans [2] and Carys [3] Reg'ts and send the sick Over to the Jerseys.

Oct'r 18. The Hole Brigade had Orders to March From Harlem to East Chester But the Regulars ware there Before us and Shephards [4] and Redes [5] Reg'ts Briskly ingaged them but we was Cunning a nurfe not to meddle with the quarel But bore a way to the North to a town caled Mile square whare we incamped and Left the above named Reg'ts to Box it out with them who Fought Like Heroes till Over Power'd by No. they ware Obliged to Retreat with the Loss of a Good many Brave men. Staid at Milesquare 3 Days and Lay on Our Arms waiting for Orders and the Regulars Continued at Eastchester and with Scouting Parties Plunder'd the Ajacient Towns.

Oct'r 21. Received Orders 9 Ocloc[k] at Night to strike Our tents and March to the white Plains which was about 10 Miles whare we incamped.

Oct'r 22d. had an Alarem the Brig'd March'd and took their Posts But no Enemy appear'd Returned home at night all well. Staid at the Plains till the 26 Oct'r. Rec'd Orders 10 Oclock at Night to strike Our tents and March a but 1 Mile on to a Large Hill. I Confin'd a Soldier for insulting me.

Oct'r 27th. Nothing Extrodinary Hapned.

Oct'r 28th the Regulars attemted to storm Fort washington but ware Repulsed with the Loss (as is Reported) of 500 Men. I Returned to Horsneck in the Evening.

Oct'r 29th. our People Had a Brisk ingagement with the Enemy which Lasted From 9 oclock in the Morning till 3 in the After noon a great many Killed on Both sides. the Regulars Got the Ground. Coll. J. Holmans Regt. Behaved Extreemly well.

Oct'r 30. The Sick and wounded ware sent out to Horsneck.

Oct'r 31. Drest the Wounded none Dangerious Except one Daniel Day of Capt. Woodburys [6] Comp. Coll. Holmans Regt. who Died Nov'r 7th with the Cramp.

Remarks were made during the meeting by Messrs. W. R. LIVERMORE, LONG, WENDELL, and HART.

[1] John Fellows, brigadier general of Massachusetts militia, 1776–1780.

[2] Jonathan Holman, of Sutton. [3] Simeon Cary. [4] William Shepard.

[5] Joseph Read of Sutton. The *Massachusetts Soldiers and Sailors of the Revolutionary War* makes no mention of service after 1775.

[6] Bartholomew Woodbury, of Sutton.

JANUARY MEETING, 1913.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the first Vice-President, Dr. GREEN, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the last meeting.

The Cabinet-Keeper reported the gift of a gold medal struck by order of Congress, June, 1874, to commemorate the one hundredth anniversary of American independence, also a table belonging to and used by Thomas Jefferson at Monticello, from T. JEFFERSON COOLIDGE; of a photogravure of John Quincy Adams, after a painting by Copley in 1795, also heliotypes of Jonathan Boucher and Myles Cooper, from Mr. FORD; of a collection of paper money, from Mrs. George P. Sanger, of Boston; and of two photographs of the watch and seals used by Cotton Mather, from John Albree.

The Corresponding Secretary reported the receipt of a letter from Edwin Francis Gay accepting his election as a Resident Member of the Society.

Mr. MEAD read a paper on

THOMAS HOOKER'S FAREWELL SERMON IN ENGLAND.

At the meeting of the Society in April, 1910,[1] Mr. Ford communicated a letter from Mr. Frederick L. Gay of Brookline, in which, referring to a paper which I read at the meeting of the Society in June, 1907, upon John Cotton's farewell sermon to Winthrop's company at Southampton, he called attention to an allusion to that sermon in William Coddington's *Demonstration of True Love*. Mr. Coddington there refers to "John Cotton's sermon" in a way that clearly shows the sermon meant was the farewell sermon on "God's Promise to his Plantation"; and the refer-

[1] *Proceedings*, XLIII. 503.

THE DANGER OF DESERTION.

OR

A FARVVELL SERMON

of Mr. *Thomas Hooker*,

Somtimes Miniſter of Gods Word at *Chainſford* in *Eſſex*; but now of *New* ENGLAND.

Preached immediately before his departure *out of old* ENGLAND.

TOGETHER,

WITH TEN PARTICVLAR rules to be practiſed every day by converted *Chriſtians*.

LONDON,

Printed by G.M. for *George Edwards* in the Old Baily in Greene-Arbour, at the Signe of the *Angell*. 1641.

ences to this important sermon by so important a man on so important an occasion are so rare in our early literature, and the sermon itself had so largely dropped out of the knowledge or attention of later writers, that every such early reference is peculiarly valuable. Mr. Gay, whose loving and intelligent work as a collector of early works relating to New England is so well known, and who has especially earned our gratitude by his presentation to the American Antiquarian Society of a volume of records of the Council for New England, has recently placed in my hands a fine copy of the first edition of the farewell sermon of Thomas Hooker, preached immediately before his departure from England, published in London in 1641. This sermon is undoubtedly known to many members of the Society, two copies of the second edition being in our Boston Public Library; and more are familiar with its character as outlined in the biographies of Hooker. But most of us are not so familiar with this historic sermon as we ought to be; and as the various farewell utterances of our fathers before their departure from England possess high interest, I submit this study concerning the farewell sermon by Thomas Hooker, upon "The Danger of Desertion," as supplementing in some sort the paper which I submitted upon John Cotton's farewell sermon on "God's Promise to his Plantation." By "the danger of desertion" Hooker meant England's danger of being deserted by God.

In connection with this general subject of farewell sermons in England, I would refer to a statement in the article upon John White of Dorchester, in the *Dictionary of National Biography*. In speaking of the various movements to New England, the author of this article, Miss C. Fell Smith, says: "John Winthrop sailed in the *Arbella*, White holding a service on board before he sailed." I do not know upon what authority the writer makes this statement; but in the possibility that there may be some good authority unknown to me, I call attention to the reference as a starting-point for some investigation that may be fruitful. It is known that when the company which was to settle in our own Dorchester, the only company fully organized as a church before it left England, sailed from Plymouth, John White went from Dorchester to Plymouth and preached a sermon to the company. "They kept a solemn day

of fasting," says Roger Clap in his memoir, "in the New Hospital in Plymouth, in England, spending it in preaching and praying; where that worthy man of God, Mr. John White of Dorchester, in Dorset, was present, and preached unto us the word of God in the fore part of the day." This sermon by John White has not come down to us, although it is not impossible that it may yet sometime be discovered. It occurs to me that the writer in the *Dictionary of National Biography* may have confused this service at Plymouth with a service conducted by White on board the *Arbella*, or the latter with John Cotton's service at Southampton; but as to this I would not be confident. The reference is at any rate a provocative one.

In connection especially with Hooker, I would mention the fact of Mr. Gay's possession not only of the copy of the first edition of Hooker's farewell sermon, but also of a copy of the first edition of his first published work, *The Poor Doubting Christian Drawne unto Christ*, one of the three works only by Hooker which were published before he left England. I mention this copy of the first edition of Hooker's first book because it is so rare. Dr. J. Hammond Trumbull, in his paper upon Hooker's published works, in which he quoted Sabin's statement, "This, the earliest and most popular of Hooker's works, first appeared in a collection of sermons entitled *The Saints' Cordial*, attributed to Sibbs," said, "I have not seen this collection, nor can I find any mention of the edition of 1629 except in H. Stevens's catalogue and in Sabin, who copied it from Stevens." It is a copy of this first edition which Mr. Gay possesses, included in a collection of twenty-nine sermons, this being the twenty-third, published under the title of "*The Saints' Cordials. As they were delivered in sundry sermons upon speciall occasions in the Citie of London, and else-where. Published for the churches good.* London, Printed for Robert Dawlman dwelling at the Brazen-Serpent in Pauls Churchyard."[1] The names of the writers of the sermons are not given.

[1] The book was entered at Stationers Hall, April 2, 1629, with the title, *The Saints Cordialls or A few legacies gathered together for, and left vnto them in Divers Sermons.* Arber, *Stationers Registers*, IV. 176. Rev. Alexander Gordon, in his article on Sibbes in the *Dictionary of National Biography*, LII. 182, gives two early editions of *The Saints Cordials*, printed in 1629 and 1637, and continues: "this contains ten sermons by Sibbes, with fifteen others."

Most of the sermons have special title-pages; and although there is no date upon the general title-page, the special title-pages are all dated 1629. The sermon by Hooker, *The Poor Doubting Christian*, went to twelve editions in England before the close of the 17th century. The first American edition was printed in Boston in 1743, and contained an "Abstract of the author's Life," mostly taken from Mather, by Rev. Thomas Prince, a fact doubly noteworthy in view of the great general importance of the Prince Library to the student of Hooker's works. Of the two copies of the second edition of the farewell sermon, *The Danger of Desertion*, in the Boston Public Library, one is in the Prince collection; the other was added to the library, June 26, 1880, from the Townsend Fund.

At the front of the Prince copy are two manuscript notes by Prince which have distinct importance in this study. The first is the statement that Hooker's sermon is a farewell sermon "preached just before his leaving England in July, 1633." The second is the statement that "The Rule of the New Creature," included in the volume with *The Danger of Desertion*, is by Reyner. The natural implication of the title-page is that this work, like *The Danger of Desertion*, is by Hooker himself. The title-page reads as follows:

The Danger of Desertion: or A Farwell Sermon of Mr. Thomas Hooker, Sometimes Minister of Gods Word at Chainsford in Essex; but now of New England. Preached immediately before his departure out of old England. Together, With Ten Particular rules to be practised every day by converted Christians. London, Printed by G. M.[1] *for George Edwards in the Old Baily in Greene-Arbour, at the Signe of the Angell, 1641.*

The title at the head of the first printed page of the sermon is "Mr. Hookers Farwell Sermon, At his departure out of England."

The second edition was printed in the same year as the first, 1641.[2] The sixth edition of *The Poor Doubting Christian*

[1] Probably George Miller.

[2] The title-page of the second edition differs in the arrangement of lines and border:

The Danger / of / Desertion: / or / a Farwell Sermon / of Mr. Thomas Hooker, / sometimes / Minister of Gods Word at Chainsford in Essex; / but now of New England. / Preached immediately before his Departure out / of Old England. / Together / VVith

THE POORE DOVBTING CHRISTIAN DRAWNE VNTO CHRIST.

In One SERMON.

Wherein the maine letts and hindrances which keepe men from comming to Christ are discovered and removed.

Together with the helpes and meanes which further Gods Children in the obtaining of grace and faith, &c.

Chiefly tending

To lay open the necessity and excellency of Christ, and the promises:
To empty us of selfe-confidence, and resting in our selves:
And to show the weakenesse and insufficiency of all carnall props and reasonings whatsoever.

VPRIGHTNES HATH BOLDNES.

ESAY 55. 1.

Ho, every one that thirsteth, come ye to the waters, and he that hath no money, come ye, buy and eate; yea come, buy wine and milke without money, and without price.

LONDON,
Printed in the yeare 1629.

was also published in 1641 — both of which facts show the popularity of Hooker's works at that time. I may state at this point that there is in the Congregational Library, whose collection of our early literature altogether is so rich, a copy of the first edition of Hooker's farewell sermon, although without the title-page. That it is the first edition is undeniable. The identification is made definite by the fact that in the first edition the last page of the Hooker sermon bears as a head-line the title of the Reyner part of the volume, "The Rule of the New Creature," which mistake is corrected in the second edition.[1] The library of our Society contains neither edition. Neither does the Boston Athenæum, nor the State Library, nor the library of the New England Historic-Genealogical Society. The Harvard University Library contains a copy of the first edition.

Were it not for Prince's note, the fact that the second work included in this little volume was not by Hooker himself might not easily have become known to the modern student; as the writings of Rev. Edward Reyner are among the last works to which most of us are likely to turn for the reading which would lead us to stumble upon the fact. The particular volume by Reyner, however, which enables one to verify Prince's statement may be found in the Boston Public Library. The volume is entitled "Precepts for Christian Practice; Or, the Rule of the New Creature. Containing Duties to be daily observed by every Beleever. By Edward Reyner, Minister of the Gospel in Lincoln. London, 1658." This edition in our Public Library is the "eleventh edition, enlarged." When the first edition appeared I do not know. The book is referred to in the article

Ten Particv-/lar Rules to be practised every/day by converted Christians./ The second Edition./ London,/Printed for G. M. for George Edwards in the Old/Baily in Green-Arbour at the Signe of/the Angell. 1641. The work was evidently reset for the second edition, which contains twenty-eight pages only.

[1] In 1667 Samuel Greene, printer at Cambridge, New England, printed *The Rule of the New Creature, to be practised every Day*, of which no copy is known to exist. On this Evans has the following curious and misleading note: "First printed anonymously in London in 1644. The 'Second edition, corrected, enlarged, and now published according to order' in 1645, was entitled 'Precepts for Christian Practice, or, the Rule of the New Creature.'" He also mentions an edition printed in Boston, in 1682, *The Rule of a New Creature, to be practised every Day*, 8vo., pp. 15, but gives no location of a copy. On Greene's issue see 2 *Proceedings*, XI. 248.

on Edward Reyner, in the *Dictionary of National Biography*, as being published with a preface by Edmund Calamy, but the first edition there mentioned is the eighth edition, 1655. All that we need to know, however, is that the first edition appeared before 1641, in time to be incorporated, without the author's name, in this little volume containing Hooker's farewell sermon.[1] Reyner was born in 1600 and died in 1668. That he had some vogue among New England readers in the 17th century appears from the fact that his works on *Rules for the Government of the Tongue* (1656) and *Treatise of the Necessity of Humane Learning for a Gospel Preacher* (1663) appear in the catalogue of Increase Mather's library, although the work by him that now chiefly interests us does not there appear. The great changes which the work underwent from 1641, when it was incorporated in the Hooker volume, to 1658, when the enlarged eleventh edition appeared, are what first strike the reader of this eleventh edition; but comparison shows their common character and authorship.

Thomas Hooker's farewell sermon upon *The Danger of Desertion* is almost the antithesis of John Cotton's farewell sermon on *God's Promise to his Plantation.* Cotton's sermon is a message of prophecy, encouragement and hope, albeit mixed with warning; Hooker's sermon is a message of denunciation and foreboding and almost of despair. Its text is Jeremiah,

[1] In his "preface" to the eleventh edition of his *Precepts for Christian Practice* (1658), Reyner says: "Let mee give thee a short account of this my undertaking. About nineteen years ago, I handling that Text, Gal. 6. 16. *As many as walk according to this Rule, &c*, delivered ten Rules for Christians, to walk by every day; which through Gods mercy and blessing then found acceptance with many. This occasioned my giving the heads thereof, in writing to many. Divers years after, I turning over a Sermon newly come forth under the name of that famous man of God Mr. *Hooker* (then in *New-England*, now in heaven) I found in the end thereof these my Rules affixed. Some years after that I heard they were printed alone, and that several times before I saw one of them. All this was done unknown to mee. But this I know, whosoever printed them, I preached them; as the Notes of my Sermon on that Text (which I have kept ever since) can give account.

"The Stationer (who had the Copy of these Rules,) intending to reprint them now the eleventh time, moved me to prefix my Name, and (if I pleased) to add something to them." This edition was "printed for T. N. and are to be sold by John Clark, at Mercers Chappell in Cheapside, near the Great Conduit, 1658."

It also contains a letter addressed "To the Reader," and signed Thomas Manton, in which the writer states: "When I first saw the *ground work* of it annexed to a Sermon of Mr. *Hookers*, I was much taken with it."

14, 9: "We are called by thy name, leave us not"; but the burden of the sermon is that God is leaving England, and this view is supported by a survey of the conditions in past periods and in other nations which had been left desolate, with stern impeachment of the conditions in England at that hour, and with solemn call to repentance.

May not God which destroyed Shilo, destroy thee O England? Goe to Bohemia, from thence to the Palatinate, and so to Denmarke. Imagine you were there, what shall you see, nothing else but as Travellers say, Churches made heaps of stones, and those Bethels wherin Gods name was called upon, are made defiled temples for Satan and superstition to raigne in? You cannot goe two or three steps, you shall see the heads of dead men, goe a little further, and you shall see their hearts picked out by the fowles of the ayre, whereupon you are ready to conclude that Tilly hath been there; Those Churches are become desolate, and why not England? (P. 5.)

I deale plainly with you, and tell you what God hath told me: I must tell you on pane of salvation, will you give eare and beleeve. I poore Embassador of God am sent to doe this message unto you, though I am low, yet my message is from above, he that sent me, grant that it may be beleeved for his sake. Suppose God hath told me this night that he will destroy England, and lay it waste, what say you brethren to it? It is my message that God bade me doe, he expects your answer, what sayeth thou oh England, I must returne an answer to my Master that sent me to night, why speake you not an answer? I must have one. Doe you like well of it, would you have England destroyed? (P. 14.)

God will say, be he a King that rules or raignes, yet as he hath rejected God, so God will reject him. He is a King of Kings, and Lord of Lords. (P. 13.)

God is packing up his Gospell, because no body will buy his wares, nor come to his price. Oh lay hands on God! and let him not goe out of your coasts, he is agoing, stop him, and let not thy God depart, lay siege against him with humble and hearty closing with him, suffer him not to say, as if that he were going, farewell, or fare ill England. God hath said he will doe this, and because that he hath said it, he will doe it, therefore prepare to meet thy God, O England! (P. 15.)

As it is said of Capernaum, so say I to England: Thou England which wast lifted up to heaven with meanes shalt be abased and brought downe to hell; for if the mighty works which have been done in thee had been done in India or Turky, they would have repented

ere this; Therefore Capernaums place is Englands place, which is the most insufferablest torment of all; and marke what I say, the poore native Turks and Infidels shall have a cooler summer parlour in hell then you; for we stand at a high rate, we were highly exalted, therefore shall our torments be the more to beare. The Lord write these things in our hearts with the finger of his owne Spirit for his Christs sake, under whom we are all covered. (P. 20.)

The last passage which I have read is the last passage in the sermon. This was Thomas Hooker's farewell to England. To understand the situation in England, we must remember that this was the time of Sir John Eliot's remonstrance against Charles's revival of monopolies and his new acts of tyranny, of the beginning of his eleven years' rule without Parliament, and the beginning of the domination of Wentworth and of Laud. This upon the assumption of Hooker's biographer, Dr. George Leon Walker, that the sermon was preached when Hooker was compelled by Laud to lay down his lectureship at Chelmsford and retire to Little Baddow, at the end of 1629 or the beginning of 1630, a little before he left England for Holland. If Thomas Prince's note is correct, and it was preached in July, 1633, just before his leaving England for New England, the situation was of much the same character, only worse.

The most important reference to Hooker's farewell sermon in our early literature is that by Cotton Mather in his life of Hooker in the *Magnalia*. This account comes at the point in the narrative where Hooker is leaving England for New England, and the natural inference is that Mather understood that the sermon was preached at that time. There is, however, a reference farther on to a sermon preached by Hooker at Chelmsford, which I think should have notice in this connection. Mather here speaks of one who, having "observed the Heroical Spirit and Courage with which this Great Man fulfilled his Ministry, gave this Account of him, *He was a Person who while doing his Master's Work, would put a King in his Pocket*," and adds:

Of this there was an Instance, when the Judges were in their Circuit, present at *Chelmsford*, on a Fast kept throughout the Nation, Mr. *Hooker* then, in the presence of the Judges, and before a vast Congregation, declared freely the Sins of *England*, and the Plagues that would come for such Sins; and in his Prayer he be-

sought the God of Heaven, to set on the Heart of the King, what his own Mouth had spoken, in the Second Chapter of *Malachy*, and the Eleventh and Twelfth verses, [in his Prayer he so distinctly quoted it!] *An abomination is committed, Judah hath married the Daughter of a strange God, the Lord will cut off the Man that doeth this.* Though the Judges turned unto the place thus quoted, yet Mr. *Hooker* came into no trouble; but it was not long before the Kingdom did.

Nothing is here said about this sermon being Mr. Hooker's farewell sermon; but the description applies exactly to the farewell sermon, and the prayer reflecting on the King is one that well matches in sentiment a certain passage in that sermon itself, making such a prayer a natural accompaniment. That this may have been the farewell sermon is merely a surmise, upon the ground indicated; but if the ground has any importance, it confirms the supposition that the sermon was preached as Hooker gave up his ministry at Chelmsford a little before leaving England for Holland, instead of when, three or four years later, he left England for New England. It would have been difficult for him to preach to any considerable congregation, or in any very public way, during the brief time that he was in England in 1633, returning there from Holland to prepare for his sailing for New England; for he was at that time under very strict surveillance. "Returning into *England*," says Mather, "in order to a further Voyage, he was quickly scented by the Pursevants." Here Mather relates the incident of Hooker's secretion by Rev. Samuel Stone, who was to come with him to New England as an assistant, which incident it has been conjectured may have been connected with Mr. Stone's family home at Hertford. Mather adds, "Mr. Hooker concealed himself more carefully and securely, till he went on Board, at the *Downs*, in the year 1633, the Ship which brought him, and Mr. *Cotton*, and Mr. *Stone*, to *New England*; Where none but Mr. *Stone* was owned for a Preacher, at their first coming aboard; the other two delaying to take their Turns in the Publick Worship of the Ship, till they were got so far into the Main Ocean, that they might with Safety, discover who they were."

All this indicates a situation in England as concerns Hooker which makes any conspicuous preaching by him there at that

time unlikely; although we have Prince's definite statement that the sermon was preached at that time and Mather's reference to it at a place in his account which implies the same. The special passage in Mather concerning the sermon is as follows:

Amongst Mr. *Fenner's* Works, I find some imperfect and shattered, and I believe, Injurious Notes of a *Farewel Sermon* upon Jer. 14. 9, *We are called by thy Name, leave us not:* Which *Farewel Sermon* was indeed, Mr. *Hooker's*, at his leaving of *England*. There are in those *Fragments* of a Sermon, some very *Pathetical* and most *Prophetical* passages, where some are these:

It is not Gold and Prosperity which makes God to be our God; there is more Gold in the West-Indies *than there is in all* Christendom; *but it is God's Ordinances in the Vertue of them, that show the Presence of God.*

Again, *Is not* England *ripe? Is she not weary of God? Nay, she is fed fat for the slaughter.*

Once more, England *hath seen her best Days, and now evil Days are befalling us.*

And, *Thou,* England, *which hast been lifted up to Heaven with Means, shall be abased and brought down to Hell; for if the mighty Works which have been done in thee, had been done in* India *or* Turkey *they would have repented ere this.*

These Passages I quote, that I may the more effectually describe the Apprehensions with which this worthy Man took his *Farewel* of his Native Country.

But there is one strange Passage in that Sermon, that I know not what well to *think* of; and yet it is to be *thought* of. I remember, 'tis a passage in the Life of the Reverend Old *Blackerby*, who died in the year 1648, 'That he would often say it was very probable the *English* Nation would be sorely punished by the *French*; And that he believed *Popery* would come in, but it would not last, nor could it recover its former Strength.'[1] The notable Fulfilment which that Passage hath seen, would carry one to consider the unaccountable Words which Our *Hooker* uttered in his *Farewel Sermon*. 'Tis very likely that the Scribe has all along wronged the Sermon; but the Words now referred unto, are of this Purport, *That it had been told him from God, That God will destroy* England, *and lay it wast; and that the People should be put unto the Sword, and the Temples burnt, and many Houses laid in Ashes.* Long after this, when he lived in *Hartford* in *New-England*, his Friends that heard that Ser-

[1] Richard Blackerby (1574–1648), who printed nothing of his writings.

mon, having the News of the Miseries upon *England*, by the civil Wars, brought unto them, enquired of him, *Whether this were not the time of God's destroying* England, *whereof he had spoken?* He replied, *No; this is not the time; there will be a time of respite after these Wars, and a time wherein God will further try* England; *and* England *will further sin against him, and shew an Antipathy against the Government of the* Lord Jesus Christ *in his Church; his Royal Power in the Governing thereof will be denied and rejected. There will therefore a time come, when the Lord* Jesus Christ *will plead his own, and his own Cause, and the Cause of them who have suffered for their Fidelity to her Institutions; He will plead it in a more dreadful way, and break the Nation of* England *in pieces, like a Potters Vessel. Then a Man shall be precious as the Gold of* Ophir; *but a small Remnant shall be left; And afterward God will raise up Churches to himself, after his own Heart, in his own time and way.* God knows, what there may be in this Prediction.[1]

Mather's reference to Mr. Fenner and his "imperfect, shattered, and injurious notes" has led me to look up the works of that once revered and popular but now forgotten Puritan divine. William Fenner was born in 1600 and died in 1640; and such was the hunger for his sermons and sundry theological treatises that, besides the apparently large circulation of some of them separately, in 1657, seventeen years after his death, a collected edition of them was published in London in a great folio of more than 1200 pages. A collected edition of some sort had also been published half a dozen years before. There is in the great 1657 volume which I have examined a "Treatise of the Affections," a "Treatise of Conscience," "Christ's Alarm to Drowsie Saints," a "Second Part of Christ's Alarm to Drowsie Saints," etc.; and, what chiefly interests us here, there are

[1] *Magnalia*, Book III. 62. Increase Mather in his *Ichabod*, printed at Boston in 1702, using the *Magnalia* notes, a copy of which reached Boston only in October of that year, wrote in his preface, dated November 14, 1701: "I have often wondred at some very surprizing Passages which are in our Renowned *Hookers* Sermon, on *Jer.* 14. 9. which was the last that he Preached in *England*. . . . Thus speaks that Man of God. I find that this Sermon of his is by a mistake, Published amongst Mr. *Fenners* works, as if it had been Preached by him. Probably, the Booksellers might find it in Mr. *Fenners* Study amongst his Manuscripts, and so sent it abroad into the world under his Name. Reverend Mr. *Higginson* (the most Aged Minister now living in *New-England*) was well acquainted with Mr. *Hooker*, as having been Educated under him, and he assures me, That after Mr. *Hooker* had been many Years Pastor of *Hartford*, some of his intimate friends enquired of him, whether he did not apprehend," etc.

"XXIX Choice Sermons on severall Texts of Scripture," the nineteenth of which has the following title-page — most of the works having separate title-pages: — "The Signes of Gods forsaking a People. Preached by that laborious and faithful Messenger of Christ, William Fenner, Sometimes Fellow of Pembroke Hall in Cambridge, and late Minister of Rochford in Essex. London, Printed by E. T.[1] for John Stafford." Rochford in Essex is only about twenty miles from Chelmsford in Essex, where Hooker preached. We find that Fenner was presented to the living of Rochford in 1629 and labored there until his death. He therefore came into Hooker's neighborhood at the very moment when Hooker was creating the greatest stir in Essex and lived there until the year before Hooker's farewell sermon was printed in London.

This sermon on "The Signes of Gods forsaking a People," published as Fenner's, is almost a repetition of Hooker's *Danger of Desertion*, with the same text, the same course of thought, and for the most part the same words from beginning to end. The nature of the variations I shall speak of. The whole thing is apparently a gross piece of plagiarism; although the possibility remains, since this collection of Fenner's works was published long after his death, that the sermon, found among his remains, was mistakenly printed as his by his editors, he being in no way responsible. I am constrained to say that comparison of the two texts does not reinforce this view. At any rate, this is clearly the basis of Mather's remarks upon the "imperfect, shattered and injurious notes of a farewel sermon, which farewel sermon was indeed Mr. Hooker's."

There is a copy of this 1657 edition of William Fenner's complete works in the Congregational Library, without the general title-page; and there is a complete copy in the Boston Public Library. This copy is of peculiar interest. It belonged to Increase Mather, and contains his autograph on the title-page and on the fly-leaf at the end, the first autograph being accompanied by the date, 1660, which was three years after the publication of the volume. The title of this volume is included in the catalogue of Increase Mather's library, preserved in the Public Library, and recently published by Mr. Tuttle in his painstaking paper upon the Mather Library, printed in the

[1] E. Tyler.

Proceedings of the American Antiquarian Society. It came later into the possession of Mather Byles, and it was presented to the Public Library by Richard C. Humphreys. Upon the special title-page of the sermon upon "The Signes of Gods forsaking a People" in this volume is the note, written by Cotton Mather, "This sermon said to be Mr. *Hooker's*. See *Hooker's* Life in Dr. Cotton *Mather's Magnalia*."

I run the risk of wearying you with this detail concerning this volume, because I wish to add that it seems to me certain that it was the very copy which Cotton Mather had at hand when he was writing about Mr. Fenner's "injurious notes." There was no copy of Fenner among the books from Cotton Mather's own library purchased by Isaiah Thomas for the American Antiquarian Society, nor for that matter any of Hooker's works; although in the Increase Mather list there are several volumes of Hooker, but not the farewell sermon upon *The Danger of Desertion*.

It is a duty to say, in view of Mather's impeachment and the fact that Hooker's sermon in substance is included among Fenner's sermons as his own, with no credit whatever to Hooker, that Fenner's general credentials are the highest. The various sections of the great 1657 volume are preceded by manifold "Epistles to the Reader" by dignified religious teachers. One of them, declaring that to praise Fenner was like praising Hercules, whom no man ever dispraised, and that should all men be silent stones would speak for him, is signed by six names, Simeon Ash, William Taylor, Matthew Poole, John Jackson, John Seabrooke, and Edmund Calamy; and Calamy writes various other introductions, paying tribute to Fenner as "a burning and shining light," praising his "unwearisome pains in preaching," his "learning" and his "exemplary piety." There are three separate prefatory epistles to the collection of "XXIX Choice Sermons" itself, one by Thomas Goodwin, one by Joseph Caryl and one again by Calamy, who in this place speaks of Fenner as "so deservedly famous in the Church of God, and so well knowne unto me in particular, and one to whom I was so much obliged, when he was living." One of the prefatory notes states that many of the sermons had already been published in several volumes, although some were never printed before. It may here be said that Fenner began publish-

ing his sermons as early at least as 1626, one of that date appearing in the 1657 volume, although not among the Twenty-nine Choice Sermons. There is an elaborate index or summary of the contents of the Twenty-nine Sermons, extending to thirty-two pages, the summary of "The Signes of Gods forsaking a People" falling into its regular place with the rest; and curiously there is before this collection "The Authors Preface upon these ensuing Sermons." No definite inference, however, as to how long before his death, which was seventeen years before the publication of this 1657 volume, Fenner wrote this preface, or how many of the "ensuing sermons" it then covered, can safely be drawn. Its subject-matter relates simply to the first sermon in the collection, upon "Divine Meditation."

We are here interested in William Fenner only in so far as anything in his life and works throws light upon the inclusion among his published sermons of the sermon which, as Mather says, "was indeed Mr. Hooker's, at his leaving of England." Those caring to learn more of him may turn to the *Lives of the Puritans* by Benjamin Brook, who says that "he was much resorted to as a casuist and much admired by some of the nobility." Concerning Dudley Fenner, the Puritan divine of the preceding generation, who fills a larger place in the old records, Brook says of a certain work attributed to him that this work, though having Dudley Fenner's name prefixed, is by Dr. William Fulke. "The Signes of Gods forsaking a People," though having William Fenner's name prefixed, is indeed by Thomas Hooker.

How slight the variations are in the two texts will sufficiently appear from two or three brief passages. Take the sermon's opening words:

Hooker — Two things are intended and expressed by the Holy-ghost, from the 1. verse, to the thirteenth. First, a denuntiation of judgement, and that reacheth to the 17. verse, and that is sword and famine. First, he would send the famine, and then the sword, and would not be intreated. Secondly, in

Fenner — Two things (Brethren and beloved in Christ Jesus) are intended and expressed by the holy Prophet, from the first verse to the 13. verse. There is first a denomination of a judgement, and that is dearth or famine from the first verse, to the seventh. Secondly, the sword is threatened to the thirteenth

the 8. verse, we have the importunate prayer of the Church, to turne away these judgements; and the prayer is marvellous sweet, partly in confession, where they confesse their sinnes, and seeke to God for succour against them: As if they should say, Loe we are as base as base can be, and therefore help for the Lords sake, and thus they make their supplication in the 7. and 8. verses, and this short prayer discovers it selfe, partly in the things prayed for, and partly in the manner, and the holy Prophet intending this is very sweet in it. First, they pray that God will not take away his presence from them, Why stayest thou but a night? As if he should say, it is marvellous strange, that thou behavest thy selfe as a stranger.

verse; he will send the famine, then the sword, and he will not be intreated. Then in the eighth and ninth verses, we have the importunate prayer of the Church to turne away these judgements: And the praier is marvellous sweet, in confession, where they confesse their sinnes, and seek to God for succour. First, they desire God that he would not take his providence from them, why stayest thou but for a night? verse the 8. as if they should have said, it is marvellous strange that thou behavest thy self so like a stranger;

The following illustrates the manner of introducing a special section by a question:

Hooker — What if a man want preaching, may not he want it, and yet goe to Heaven?

Fenner — May not a man be saved without preaching?

The following additional passage will suffice:

Hooker — Prancke not up your selves with foolish imaginations, as who dare come to England, the Spaniards have enough, the French are too weake: be not deceived, who thought Ierusalem the Lady of Kingdomes, whither the Tribes went to worship, should become a heap of stones, a vagabond people, and why not England?

Fenner — Pranck not then your selves with foolish imaginations, saying who dare come to hurt England? the Spaniard hath his hands full, and the French are too weak. But beloved be not deluded; who would have thought that Jerusalem the Lady City of all Nations, whither the tribes went up to worship, should become a

> heap of stones and a vagabond people? but yet you see it was, and is to this day; and I pray, why may it not be England's case?

Even of *The Danger of Desertion* as published in 1641 with Hooker's name, Dr. Walker's judgment is that it was "probably printed from imperfect notes." If this be true, they were not the same "imperfect and injurious notes" which Mather characterizes the publication in Fenner's works. The curious thing is that the passages which Mather quotes in a way which implies that he is quoting from the Fenner version conform much more closely, although not exactly, to the 1641 text published with Hooker's name than to the other. The inference is that, as is indeed most likely of such a lover and student of Hooker as Mather was, he had the 1641 text also before him, perhaps viewing both as fragmentary reports, and quoted somewhat indiscriminately, while expressing his condemnation of the Fenner publication.

The dates in this study need to be kept clearly in mind. Fenner died in 1640, six years after Hooker left England for New England and one year before the publication in London of Hooker's farewell sermon as such, with Hooker's name. Hooker died at Hartford in 1647; and the publication of the sermon with another title as Fenner's in the latter's collected works was in 1657, seventeen years after Fenner's death. Fenner himself would never have published Hooker's sermon as his own; and even if the publication had occurred a dozen years before it did, Hooker would have known of it. If it were plagiarism, it was plagiarism for preaching, not for printing. The wonder is that Fenner's editors, an eminent and learned set of Puritans, surely great readers of sermons and surely familiar with Hooker's works, should not have seen what Cotton Mather saw. How Fenner got his notes, or whether the manuscript from which he drew was the same used for the 1641 Hooker volume the year after Fenner's death, we are not likely to learn.

That the 1641 volume was in any way disapproved or criticised by Hooker himself is most unlikely, even if he did not himself furnish the text for publication by his friends in Eng-

land. He lived for six years after its publication, and copies of a work of such historical importance in connection with his life must have been common in his circle in Hartford. The statement by Mather that his friends in Hartford who heard the sermon talked with him about it certainly goes to confirm the supposition that it was preached at the close of his ministry in Chelmsford before his departure for Holland; for it was from that region that his friends in Hartford came, and we have no certain knowledge that he went back there in 1633, when indeed most of his "company" had already gone to New England.

The "Epistle to the Reader" which prefaces *The Danger of Desertion* is for readers in England, giving certain simple information unnecessary in New England concerning the author of the sermon, whose voice had then not been heard in England itself for more than ten years, paying tribute to his "solid judgement, acute wit, strong memory, honest heart, pious disposition, and utter detestation, as of prophanesse, so of superstition," which forced him and many of his brethren like him "to leave old England to enjoy the freedome of their tender consciences . . . to enjoy a greater liberty to themselves than here they could"; although the writer pronounces them not "like many rigid Separatists" who account the Church of England "to be no Church, and her Ministers to be no Ministers."

The publication in England of other works by Hooker was in a form and manner which was afterwards subjected to sharp criticism by Hooker's friends. In 1657, the same year that the complete edition of Fenner appeared, ten years after Hooker's death at Hartford, there was published in London, with a prefatory epistle by Thomas Goodwin and Philip Nye, Hooker's "The Application of Redemption, The Ninth and Tenth Books." In their preface the editors say:

> There hath been published long since many parts and pieces of this author; upon this argument, sermon-wise preached by him here in England (which in the preaching of them did enlighten all those parts), yet having been taken by an unskilful hand, which upon his recess into those remote parts of the world was bold without his privity or consent to print and publish them (one of the greatest injuries which can be done to any man) it came to pass his genuine meaning, and this in points of so high a nature, and in some things

differing from the common opinion, was diverted in those printed sermons from the fair and clear draught of his own notions and intentions, because so utterly deformed and misrepresented in multitudes of passages, and in the rest put imperfectly and crudely forth.

This particular work, we are told on the title-page, was "printed from the author's papers, written with his own hand, and attested to be such, in an Epistle." The prefatory address in *The Equall Wayes of God*, published in 1632,[1] is signed T. H., showing the authorization by Hooker. But *The Soules Preparation for Christ*, published the same year — this was while Hooker was in Holland[2] — was prepared for the press by others, by reason of the author's absence, as we are informed in a prefatory note. Whether *The Danger of Desertion* was printed from Hooker's own notes or another's we have no means of knowing.

John Cotton's farewell sermon was a farewell to a company leaving England while he for a time remained behind. Thomas Hooker's farewell sermon was a farewell as he himself was leaving England. Their final farewells to England were alike silent and secret farewells, as both, sailing together in the same ship for Boston in 1633, anxiously concealed their departure from the public. The original plan had been to associate them here; but it was afterwards thought, as Mather says, that "a couple of such great men might be more serviceable asunder than together." Cotton stayed in Boston. Hooker went to Newtown, our Cambridge, where groups of settlers who for a year had been coming over from Chelmsford, Braintree, and Colchester, and the regions round about, in Essex, and were commonly spoken of here as "Mr. Hooker's company," and first settling chiefly at Wollaston, had already erected a "house for public worship" and were awaiting their minister.

The three old Essex towns named furnished half of "Mr. Hooker's company," the original settlers of Connecticut. In pilgrimages among the Hooker places, I have visited all of these, as also Little Baddow, close to Chelmsford, where Hooker

[1] Entered in *Stationers Registers* (Arber, IV. 233), December 6, 1631, by John Clarke.

[2] *Ib.*, 229, under date October 29, 1631, by Master Robert Dawlman. Arber erroneously prints the author as F. H.

retired when silenced by Laud and opened the school in which he secured the assistance of John Eliot, later our apostle to the Indians, coming from Jesus College in Cambridge. As student at Emmanuel College and as lecturer, Hooker himself had resided in Cambridge about fifteen years. The little old church at Esher in Surrey where he then served for half a dozen years, until he went to Chelmsford, still stands, unused, beside the newer church; and St. Mary's Church at Chelmsford, where he was lecturer for three or four years, up to the end of 1629, where undoubtedly he preached the sermon before the judges mentioned by Mather, and quite probably the farewell sermon, whether or not this were identical with that, appears to-day essentially as in Hooker's time.

It would seem that, with "Mr. Hooker's company" and Mr. Hooker thus reunited in Newtown, the conditions for contentment and permanence well existed. But in less than a year we find the company anxious to remove to Connecticut and Cotton preaching a sermon, on "a day of humiliation" over the anxiety, intended to pacify them — this service by Mr. Cotton "being desired by all the court, upon Mr. Hooker's instant excuse of his unfitness for that occasion." The resulting pacification was of brief duration; and in June, 1636, we find Hooker and his company tramping through the primeval Massachusetts forest to the Connecticut and crossing the swollen river upon rude rafts and boats to lay the foundations of Hartford. In the same month we find Roger Williams, banished from Massachusetts, paddling down the Seekonk River with his little group of friends to lay the foundations of Providence. At almost precisely the same moment we therefore see the founding of the two democratic commonwealths by men who could not adapt themselves to the theocratic and aristocratic system of Massachusetts. By curious irony, the two leaders of the Connecticut exodus, Hooker and Haynes, were precisely the two men who had been the most prominent public actors in the proceedings resulting in Roger Williams's banishment. For it was Haynes, not Winthrop, who was then governor of the Massachusetts Colony; and it was Hooker who was chosen by the Court to argue the mooted points with Williams in the final formal dispute. But the real force that impelled both Williams and Hooker to leave Massachusetts

was undoubtedly John Cotton. As concerned himself, Williams — remaining to the end, like Hooker, the warm friend of Winthrop — never accepted Cotton's excuses; and it was with Cotton that he later carried on his chief controversy over toleration. As concerned Hooker, Hubbard doubtless closely hit the truth when he said, "Two such eminent stars, such as were Mr. Cotton and Mr. Hooker, both of the first magnitude, though of differing influence, could not well continue in one and the same orb." The main point was the differing influence. Hooker's democracy could not be made to harmonize with Cotton's aristocracy; and the founding of Connecticut was inevitable, and it was most beneficent. "Thomas Hooker, the First American Democrat" is the title given by Walter Logan to his glowing eulogy of Hooker. The "Fundamental Orders of Connecticut," the first written constitution in history, inspired by Hooker if not indeed written by his hand, was a strictly democratic constitution. "It marked the beginnings of American democracy, of which Thomas Hooker deserves more than any other man to be called the father," says John Fiske in his *Beginnings of New England*; and Johnston, the Connecticut historian, wrote: "It is on the banks of the Connecticut, under the mighty preaching of Thomas Hooker, and in the Constitution to which he gave life, if not form, that we draw the first breath of that atmosphere which is now so familiar to us."

It is in the light of this memorable and pregnant subsequent history that it is so interesting to turn back to this old farewell sermon of Hooker's as he was leaving England, shaking the very dust from his feet and fiercely denouncing everything identified with a State represented by Charles and Wentworth and a Church represented by Laud. It was an utterance prophetic of the "Fundamental Orders" of Connecticut; and it was undoubtedly one of many similar utterances which warranted the contemporary judgment of him as "a person who, while doing his Master's work, would put a king in his pocket."

Col. W. R. LIVERMORE, in presenting to the Society a copy of his volumes on the Civil War, covering the operations of 1863, and in continuation of the history of John C. Ropes, described briefly the methods employed in gathering and using his material.

The Editor read a letter of Daniel Webster from the collection of Mr. LORD. It refers to an explanation by John Quincy Adams of the failure to pass a fortification bill in the last session of the Twenty-third Congress, and applies to a subject of which the Adams *Memoirs* contains no mention.

DANIEL WEBSTER TO ISAAC L. HEDGE.

WASHINGTON, Jan. 26, 1836.

Private and confidential.

MY DR. SIR, — Mr. Adams, in his speech on the 22d, has, as you will have seen attacked the Senate with great violence, and expended an uncommon portion of his gall on me. As his Speech will doubtless be circulated by him with great industry thro' his own District, I am desirous, naturally, that the People should see both sides of the question. Can you give me a *list* of persons, to whom it might be well to send copies of my Speech, and also copies of much better Speeches, on the same subject? If you can, I should be obliged to you, and the larger you make it the better. If you thought it would do good, I would also send some copies to you or your brother, to be handed to those who might wish to read them.

We are in a good deal of excitement here. The Massachusetts Delegation are indignant, and before the matter is over, Mr. Adams will hear a good many truths told.

Yrs. truly and sincerely,

DAN'L WEBSTER.

The Editor also submitted three documents on the early years of the history of Massachusetts Bay plantation.

QUESTIONS OF THE ELDERS.

The following paper is found among the Belknap MSS. in the Society's collections (161, A. 1). It may pertain to the discussion over some opinions expressed by John Cotton in 1636, referred to by Winthrop, *History*, I. 253.

New England
1637

Questions agreed vpon by all the Elders of the Bay, and to [be] conferrd vpon at a meetinge.

1. Whither Christ with all his benefits bee disproued in a Couenant of workes?

2. Whither all the promises bee made to Christ himselfe, and the conditions fulfilled in him personally?

3. Whither there bee any conditionall promises, in the Couenant of grace, or onely absolute?

4 Whither all the Comandements in scripture bee Legall and none Euangelicall?

5. Whither there bee vnion, betweene Christ and ye Soule before, and without Fayth?

6: Whither Fayth in Justification bee meerely passive?

7: Whither wee are Justified before we beleeue in Christ?

8: Whither Justification bee an acquittinge of a sinner, or the declaration to the soule that it is acquitted?

9: Whither Habits of Grace doe not differ a sainte from an Hypocrite?

10: Whither Justifiinge Fayth, and sanctification, bee in Christ as in the subject, and not in the Soule?

11: Whither a beleeuer ought to stirre vp himselfe to act holilye, before hee feele the spirit of God to act him?

12: Whither Vnion with Christ, and Justification by him, must bee first fully seene, and assured to the soule, by the immediate witnesse of the spirit, before hee cann see the truth of his Fayth, or sanctification, soe as to euidence his Justification thereby?

13: Whither our first assurance must bee from an absolute promise, not from a conditionall?

14. Whither a beleeuer hath not right to a blessinge by a Conditionall promise of the Gospell: and may not pleade the same in a Couenant of Grace?

15: Whither hee that hath sauinge Grace, may without sinn denye it?

16: Whither hee that hath receiued the witnesse of the Spirit ought not to trye it by witnesse from Sanctification?

THE NEGATIVE VOTE.

In 1860 Rev. Charles Lowell gave some historical manuscripts to the Society. Among them were two of early date which are now printed for the first time. The origin and history of the one are indicated in the memorandum noted upon it, but the handwriting has not been identified. It is without question the original paper that was given to the governor. The indorsement on the second paper, "Negative Vote" would seem to connect the two papers, but this endorsement, though made in the seventeenth century, is misleading. The documents must be considered separately.

The question of the "negative vote," or power of the magis-

trates of Massachusetts Bay to veto a resolution of the deputies, was actively discussed in 1643 and following years. Winthrop states that was one of the consequences of the remarkable lawsuit over the stray sow which Captain Keayne appropriated, after duly advertising the fact of his having it.[1] The many phases of this suit do not concern me, but the "sow business" was directly responsible for a small treatise on the negative vote by a magistrate, "wherein he laid down the original of it from the patent, and the establishing of it by order of the general court in 1634, showing thereby how it was fundamental to our government, which, if it were taken away, would be a mere democracy."[2] Before May, 1634, the government of the plantation rested with the governor and assistants (magistrates); but in that year the principle of representation was applied, the freemen of the several settlements being empowered to choose two or three of their number to attend the Court, and "to have the full power and voices of all the said freemen derived to them for the making and establishing laws," etc. Winthrop, then governor of the colony, was consulted upon this measure, but laid down the rule that these representatives should not make any new laws, but prefer their grievances to the court of assistants (magistrates). He thus reserved to the magistrates the power to originate laws and to have the final word upon the propositions coming from the deputies.[3] Ten years later the position of the magistrates had not been changed.

This treatise by a magistrate did not satisfy the deputies or the people, who wished to take the negative vote from the magistrates, and a reply to it was prepared, written as was supposed by one of the magistrates. The identity of this writer can only be conjectured, for even the year in which the reply was written is uncertain. But Israel Stoughton had been an assistant, and in 1643 was again chosen to serve. Eight years earlier, in March, 1634–35, he had incurred the displeasure of the General Court, and had been "disabled for beareing any public office in the commonwealth, within this jurisdiccon for the space of three yeares, for affirmeing the Assistants were noe magistrates." This assertion was made in a written treatise,

[1] Winthrop, *History*, II. 69. The sow strayed in 1636 and the discussion of the negative vote came to a head in 1643.

[2] *Ib.*, 118.

[3] Winthrop, I. 129.

which had given great offence to the Court, and an order was issued that it should be burnt, "as being weake and offensive." [1] His doubts of 1635 were the same that agitated the people of the colony in 1643, and it is more than probable that he was the author of the statement made in the latter year in behalf of the deputies and freemen. Upon pressing their case they received for a reply from the magistrates that

the matter was of great concernment, even to the very frame of our government; it had been established upon serious consultation and consent of all the elders; it had been continued without any inconvenience or apparent mischief those fourteen years, therefore it would not be safe nor of good report to alter on such a sudden, and without the advice of the elders: offering withal, that if upon such advice and consideration it should appear to be inconvenient, or not warranted by the patent and the said order, etc., they should be ready to join with them in taking it away. Upon these propositions they were stilled, and so an order was drawn up to this effect, that it was desired that every member of the court would take advice, etc., and that it should be no offence for any, either publicly or privately, to declare their opinion in the case, so it were modestly, etc., and that the elders should be desired to give their advice before the next meeting of this court.[2] It was the magistrates' only care to gain time, that so the people's heat might be abated, for then they knew they would hear reason, and that the advice of the elders might be interposed; and that there might be liberty to reply to the answer, which was very long and tedious, which accordingly was done soon after the court, and published to good satisfaction.[3]

This General Court, held in May, adjourned to meet in September. The "reply to the answer" is dated June 5, 1643.[4] At the September session three conclusions were delivered by Mr. John Cotton, in the name of himself and other elders, about the negative vote.[5] Winthrop also describes another paper:

One of the elders also wrote a small treatise, wherein scholastically and religiously he handled the question, laying down the several forms of our government, and the unavoidable change into a democracy, if the negative voice were taken away; and answered all

[1] *Mass. Col. Rec.*, I. 135, 136.
[2] This order is printed in *Mass. Col. Rec.*, II. 40. [3] Winthrop, II. 119.
[4] It will be found in Winthrop, *Life and Letters of John Winthrop*, II. 427.
[5] Probably the paper printed in *Mass. Col. Rec.*, II. 90.

objections, and so concluded for the continuance of it, so as the deputies and the people also, having their heat moderated by time, and their judgments better informed by what they had learned about it, let the cause fall.

I believe this "small treatise" to be the paper found among the Lowell manuscripts. The date is later than Winthrop's paper, and earlier than that of Cotton. The writing may be that of John Norton.

Concerning the negatiue vote the state of the controuersy is

Whether it be safer for this common wealth to commit the execution of the supreame ciuill power therof to the Magistrates and Deputies (as the 2 integrall parts of the Court) to be executed by them according to a mixt forme of gouerment, so as no act judiciall either in making or executing Lawes can proceed without the positiue uote of both parts.

Or whether it be safer to commit the said power to plurality of uotes in the whole Court, and consequently to the greater part of the deputies, so that notwithstanding the whole magistracy dissent together with so many of the Deputies as conjoyned with them are lesse in number then the rest, yet judiciall acts to proceed by such plurality of votes though only of the Deputies.

Or

Briefly this

Whether a mixed forme of gouerment viz: of Aristocracy and Democracy or a popular forme of gouerment as that consisting of the Deputies be fitter for this common wealth.

For the resolution of the question consider the following Propositions

Quaeres with theire answers.[1]

1: w^t^ is a popular or Democraticall forme of goverment.
2: w^t^ an Aristocracy is.
3: w^t^ a forme mixt of Aristocracy and Democracy or popular state is.
4: whether a mixt forme in generall is generally to be preferred before a popular, circumstances considered.
5: whether a forme mixt of an Aristocracy and Democracy or a popular and that such a one as the taking away of the negatiue voyce inferrs, is best for this common wealth.

[1] In the margin is written "forma regimen petenda est e conditione gubernantiorum."

Satisfaction to some objections.

1: A multitude of freemen considered as an homogeneous body united by a Ciuill bond, to liue under the same gouerment make a Common wealth.

2: This common wealth (as such) is the first subject of Ciuill policy and power.

3: The regular execution of this power by man so as not man but reason or rather God (though by men) rules.

Is the breath of the [2] nostrills of Israel and ordinary meanes wherby the common wealth leades a quiet and godly life in all godlines and honesty.

4. This power cannot be executed immediately by the common wealth, but by some one, or more selected persons orderly chosen theunto, and vested therwith (w^ch^ others call otherwise; we call magistrates, and Deputies.)

Quaere 1: what a popular or democraticall forme of gouerment is?
2: what an Aristocracy is?
3: what a forme mixt of Aristocracy and Democracy is?

Resp: In answer herunto we are to know there are 7 formes of good gouerment 3 simple and foure mixt.

Simple
- 1: Monarchy: — one
- 2: Aristocracy: where majesty or supreame ciuill power is committed by ye people to — the nobles or superior sort of the people as Gentry or the and
- 3: Democracy or popular: — any sort of the people

Mixt
1. of all three
2. of a monarchy and Aristocracy
3. of a monarchy and Democracy
4. of an Aristocracy and Democracy

the present forme of gouerment with us, except wee shall say, and it may bee more properly that our magistracy is but a Democraticall though Aristocratically administred.

Hence the reader may see

1: A Democracy or popular state is where the supreme ciuil power is by the people committed or betrusted for the execution thereof according to fundamentall Lawes, with such a number of the people though of any inferiour condition among them. [3]

2: Aristocracy is where the supreame ciuill power is committed and betrusted with such a number of the cheifer sort of them, as the nobility; or in the absence of such the gentry or the like.

3: A forme mixt of an Aristocracy and Democracy is when the former power in the former manner, is not committed to the chiefe of the people only, nor to any part of any inferiour condition of the people, but to such a number of both sorts; so as no act of supreame power, can proceed without the suffrages of the greater number of both parts.

Doubt: In case there be some persons of chiefer sort joyned with those of inferiour sort doth not this make a mixt forme of gouerment?

Sol: No: tis not the being of some such persons amongst the other, but ye vesting of that sort of persons with such power whence as they cannot without the other: so neither can the other without these proceed to any act of supreame ciuill power.

A negatiue uote in either parts is inseparable from a mixed forme of Gouerment.

4: Quaere: whether a mixt forme in generall, is generally to be preferred before a popular, Circumstances considered?

Resp: Affirmatiuely which may thus appeare from scripture, Reason, and Experience.[1]

Scrip: The example of the gouerment of the people of God which was mixt viz: of Monarchicall and Aristocraticall — the Aristocracy instituted Numbers 11: and continued till Herods time.

Res: 1: From the agreement of the forme with the matter, This forme of Gouerment best agreeth with the matter of gouerment, viz the people whose condiĉon is mixed, some being of superiour quality as the Gentry some of inferiour as the commonalty, a simple forme of Aristocracy occasions the inferiour sort of the people to be discontented, a simple forme of Democracy occasioneth the superiour sort to be discontented, a mixt sort suites both, contents both, it is a maxime in policy, when the forme and matter of gouerment agree you may affirme that state to be safe.[2] [4]

2: A mixed forme is not subject to erre in judgment because in it both the parts containing a sufficient number of councellors, and consulting apart put out more strength of reason in their seuerall; then if there were but one joynt consultation.

3: There is not so much danger in erring all sorts of people being present in both the representatiue parts and consequently inclinable to make the best not the worst of errour.

Exper: No popular state hath liued so well or liued so long as a mixed forme of gouerment history being witnes.

[1] "Principia cognoscendi regulatiua in politicis sunt tria, ratio, experientia, scriptura sacra." *In margin.*

[2] Quotiescunque imperii forma conditionis populorum quasi materiae congruenter respondet die imperium seruatur incolumae.

Quaere 5: Whether a forme mixed of an Aristocracy and Democracy or a popular sc: such a one as the taking away negatiue voyce inferrs is best for this common wealth?

Ans: A forme mixt of an Aristocracy and Democracy is best &c.

1: The Reason of the foregoing reasons obtaineth with us.

2: The bringing in of a Democracy here were to change the forme of our gouerment, the which to doe and that forme not so good without sufficient cause and against the judgments of many if not most of them that are in these causes judicious were not safe.

3: Because our fundamentall lawes and annual elections doe or may sufficiently prouide against considerable inconueniences of the Aristocraticall part.

4: Such a popular gouerment with us, in effect puts out one of the eyes (if not the right eye) of the common wealth, exposing it unto the losse of the reason of its whole magistracy (the most fit men for that seruice as chosen by, and out of the whole country) in the supreame acts of judicature.

5: It consequently depriueth this common wealth of a fundamentall liberty and may bring upon them an unknowne injury in subjecting the people to the power and judgement of those whom particular townes, not the comon wealth doth immediately and collectiuely choose.

6: It may this way come to passe that the supreame power of the common wealth may be disposed of against the mind of the common wealth, yea by them, not one of whom the comonwealth sc: the major part of the freemen (had it beene in their power) would haue chose: as in case the greatest number of little townes (in which usually are not the best choyce of men) where are a lesse number of freemen, consent against a number of greater townes, wherin are a greater number of freemen. [5]

7: Wheras a mixed forme tends unto complyance and prouides against the danger of conte[mpt] of inferiours by superiours, and the enuy of inferiours against superiours, whilst either part seeing neither greater they can goe together but can not goe asunder, this popular state as with us, ministers an opportunity to inferiours to satisfy the spirit that in us lusteth to enuy superiours, whilst the inferiour part of people haue such supreame aduantage in their hands, and that according to law ouer superiours the commons ouer the better sort, the little townes ouer the greater, the Deputyes ouer the Magistrates:

Obj: 1: A negatiue uote may hinder the present proceeding of judiciall acts, and cause long delay.

An: 1: The best humane administration is uncap[ab]le of perfection:

2: So many a Democracy in case the uotes be equall in number.

3: It may doe good by hindring the processe of plurality in votes in case they be about to proceed erroneously.

4: Admit the major part in the way of plurality exceedes but by one or two votes is not further consideration ordinarily better than a present proceeding? plurality is fallible.

5: In such neere cases the judgement of but such a number in way of a mixt forme, is safer then the judgement of such a number in way of plurality of uotes, for the reason mentioned. Reason 2: quaer: 4.

6: In case of error the hurt is negatiue, it can delay a good it can doe no positiue euill. 2: The hurt of delay is curable within the yeare when at the election the offending and incurable magistrates may be remoued. No proportion betweene the hurt that may be done by plurality of voyces and the hurt which may be done by a negatiue voyce The euill of that is positiue of this only negatiue, the euill of that many times incurable, of this curable. The nocent whom a negatiue voyce keeps from just punishment one court, may be punished the next. but the limmes, life, etc of the innocent which plurality of uotes takes away, can neuer by men be restored.

Ob: 2: Magistrates though there be cause are difficultly left out.

Ans 1: A magistrate is not before the country to be counted an offender, except the greater part of the freemen so judge.

2: In case the greater part of the freemen see sufficient cause to leaue him out, tis but uoting according to their judgment and the thing is done.

3: It may be difficult also to leaue out a deputy and in some case more difficult then to leaue out a magistrate; the major part of the towne being able to choose a deputy, against the minds of all the rest of the country.

Obj: 3: The number of the deputies exceeding the number of the magistrates, therefore no reason why votes of unequall numbers should be equall.

R 1: Not the number but the reason of them which are numbred is to be weighed. [6]

2: Tis not an Arithmeticall equality but a Geometricall that is to be attended to; that is, not equality of number, but of vertue.

3: There is more disproportion betweene the wisedome and number and object of Electors sc: the major part of the country that choose the magistrate and the major part of the towne that choose the Deputy, then there is betweene the number of the elected sc. Magistrates and Deputies.

4: Though among the Deputies there may be found those which doe excell compared with some of the magistrates yet generally the

one being experienced the other lesse experienced wee may judge accordingly.

5: If yet there remaine ought herin to be satisfyed it may be tempered by increasing the number of the one or diminishing the number of the other, or by qualifying the major part of the magistracy according to the proportion of two thirds as 6 the major part of 9, 7 or 8 of eleuen and as in some weighty motions of the venitian state policy tempers one part to the other, but doth not causelessly destroy either.[1]

Object: Appeales may by meanes of a negatiue vote be frustrated in that the judges in the inferiour court haue the negatiue voyce in the superiour court.

Resp: 1: Omitting what may be said in regard of our Magistrates and yearly election this objection holds not against a negatiue vote, but against such a constitution of judges in some inferiour court that is, not against a mixed forme, but against some errour in the temperature of the Aristocraticall part, the forme therefore here, is not to be touched, but the errour to be cured, by the concording the constitution of such inferiour courts, with the free processe of appeales.

2: Appeales may upon like reason be made frustrate in a popular state.

3: Appeales haue as free a course in a mixt as in a popular state the temper being accordingly.

Ob: Tis possible that a negatiue uote may in some cases occasion the ruine of the common wealth in case of present danger by invasion of an enemy.

1: Tis not probable where the magistrates are annually electiue.

2: Tis possible though not probable that a bare plurality of votes on the Deputies part all the magistrates and the rest of the Deputies too dissenting may doe the like.

3: In case either magistrates or deputies or both be not only doubted but should be found guilty of such a uote, scripture, nature and reason teach the people not [7] to suffer their hand to be tyed by [such] a uote but to arme themselues in their owne defence.

If the judgment of the protestant [ ]e, and more judicious writers, be in this case enquired after.

Though in wisedome they haue much declined the odious and perillous comparing of the frames of common wealths yet the wary reader uppon search may find the judgement of divers of them to haue beene

1: That no simple forme is safer than an Aristocracy, none so unsafe as a Democracy, a meere monarchy excepted.

[1] "What if the major number be neuer lesse than 7:" *In margin.*

2: That a mixed forme of gouerment is more safe than a simple.[1]

3: Amongst mixt formes that which is tempered of an Aristocracy, and a popular state, to excell.

They are the words of Caluin: famous both for diuinity, and law: I will not deny that a state tempered of the chiefest men and comon gouerment farre excelleth all other.

It be hopeth then this comonwealth which God in speciall mercy hath blessed (may be aboue many of our thoughts) with so safe a gouerment, duely to consider his prouidence therin, and to be [suffic]iently and throughly admixed (?), before it change that forme of gouerment, which (if it be not most safe) yeelds to none amongst the seauen in point of safety, for that forme of gouerment which amongst the seauen (one excepted) is most unsafe.

Who please may consider further

1: Such is the state of all the humane gouerments respectiuely that something may be said against that which is most safe and much for that which is most unsafe.

2: The power of the negatiue uote is unseparable from a mixt forme so that they which desiring a mixt forme yet endevour to remoue a negatiue uote seeme not to obserue their labouring for an impossibility, and against themselues.

3: The objections though generally profitable yet are also generally besides the question as not proceeding against a negatiue uote but against some errour in the temperature of the Aristocraticall part in respect of the constitution of some [co]urts, or the member of the major part of the magistrates &c. [8]

4: That in case our [*illegible*] not to be in the negatiue uote (or mixt forme of gouerment which in point comes all to one) but in the temperature of either part, according to the strength of [the] best objections whether it will not be expedient that the [*illegible*] of those objections appeare also in our answering the [*illegible*] an unwary falling upon the negatiue voyce through a mist[ake] that in reforming greeuances in conforming [to] our politicall construction; to the temper of a mixed forme of gouerment.

Endorsed: This treatise was deliuered to the Gou^r^ from Mr. Norton one of the Elders of the Ch: of I[pswic]h. (4) [June] 22–43.[2]

The Massachusetts Patent.

The second of the manuscripts offers greater difficulties. The endorsement is clearly wrong, for it has no connection with

[1] Calvin's institutions 1: Lib. 4 cap: 20 sect: 8. *In margin.*

[2] The subsequent history of this question may be gathered from Winthrop, II. 263; *Mass. Col. Rec.*, II. 90, III. 11; and *Life and Letters of John Winthrop*, II. 440.

the question of a negative vote. It is a discussion of the relations of the colony to the king, and may have been prepared about 1664, on the appointment by the king of Commissioners to visit New England and determine differences among the various colonies. The date is certainly later than 1662, as the reference to Owen's *Animadversions* proves. The question of authorship cannot be answered, nor is it possible to give the name of the person to whom it is written. It has every mark of being a contemporary document.

SR., — the Intelligence you are pleased to favor me with by your last requires a larger measure of thankfullness then that which you request by way of return: were I but in a Capacitie to grattifye therin the matter of Controversy wherin you seeme soe desirous to vnderstand my oppinion is in itselfe of noe low Concernm't, and the Eminency of the disputants were enough to discourage a much abler person then my selfe from vndertaking to be a moderator in a question of that Nature, yet that I may not altogether fail your Expectation I shall in breiffe giue you an account of what I heard discourst vpon that subject, after I have praemised a few words in order to the question in hand. It hath been fatall to tymes of reformation, scandalous to Reformers, and a wofull snare wherin pious and well minded Persons have been miserably intangled as former and later experience hath too sadly testified: viz. An oppinion or assertion of externall power and dominion as a necessary requisite for the securitie of persons that proffess the true religion. For there be many decieved by the illusive sophisms of satan and have been put upon dangerous and unwarrantable Attempts for defence of the religion they proffess, not trusting vnto the wisdome and power of Almighty God as sufficient to Carry on the intrest of his own Cause and glorie in the world without the additional help of man's polecie. As the kingdome of Christ is not of this world soe rayther is there need of irregular striving after worldly power to vphold and maintaine the same, outward prosperitie indeed was promised vnder the law where all things were typicall, but vnder the gospell where all things are vnveiled the kingdome of God and the things belonging therevnto are to be looked vpon with a more spirituall eye by which may be discerned the promise and reward of Eternall life due to the saints in another world: But as to this we find more mention of tribulation that shall attend the godly then of Power and Dominion. And the praedictions of the gospell speake more of the faith and Patience of the saints then of their externall Conquest and glorie; this expectation of a secular kingdome had too much influence vpon the Ap-

postles in there first beginning before they had received more plentifull illumination from the pouring out of the holy ghost: they thought Christ would in a way of externall glorie restore his kingdom to Israell; It is to be feared too many persons in this age are too much taken with the same kind of inordinate desire after Civile power and dominion. If men could ride to heaven in the Tryumphant Chariot of outward prosperitie one should think that more would travell that way then yet are observed to doe. But as the Path troden by our Savior and his Apostles and the whole church of God in sucseeding Ages hath been rather with Thornes of Roses soe it cannot be expected that it should be new made for those that sucseed in aftertymes. The Lord Jesus into whose hand the father hath committed all Power both in heaven and in Earth is not to seek of waies and means to provide for his servants and advance the glorie of his owne name. If Crownes and scepters in the hands of his saints had tended most to that end doubtless they had been their portion even in this life; But the doctrine of the Gospell as well as the experience of Christians evidence the Contrary.

But to return to what I promised and principally intended. The King himselfe if your intelligence mistake not, hath reduced the question into a Narrow Pinch: viz. Whether the Pattent doth denie his sovereignty here? Or as you relate it, Whether he hath noe Jurisdiction over the inhabitants of the Massachusetts and soe his late Commission seems a violation of their Charter which he whose honor is the strongest obligation to performance professeth he would not in the least infringe; In refference to the question I have heard it strongly Argued both on the affirmative and Negative and the summ of what I have heard discoursed that way I shall as sucsinckly as I am able relate vnto you for your better satisfaction, and then leave you according to the exactness of your owne Judgment to draw the Conclusion.

One the Affirmative its pleaded that those of the Massachusets are as much the naturall subjects of the King of England as those that are borne in any other of his dominions and territories, and that he hath as Absolute Jurisdiction over them as to sovereigntye as over any of his subjects notwithstanding the priviliges of the Pattent. For Priviliges although they dignifye and advance yet they make not a new kind of subject. The Reasons vsually Alleadged are first because after Sebastian Cabott at the King of Englands Charge had first discovered the part of America wherin New England is situate, the King of England as in the Pattent is expressed did actually take this part of America soe called into his actuall possession, the doing of which is supposed to give him as treu and firm a title to the Countrey as he hath to any other his Territories according to the Judg-

ment both of divines and Civillians with whom Iusta Occupatio is reckoned amongst the grounds of the right of title and dominion to goods and lands that before were in the possession of noe other: The Barbarous People that inhabited those deserts in as much as they had neither fixed habitations any where nor Improved any part theroff for Pastorage and ordinary tillage it cannot in reason be saied that any injury is offered them when the Countrey lying wast before was seized by the Prince of any Civile nation; not here to mention lyberty granted by the salvages to them that first occupied the land under the shelter of the King of Englands Authority, they are made by some precepta juris natturallis honeste vivere suum cuique tribuere alterum non Laedere. None of these Precepts being violated by the first seisers there appears nothing that can Impeach the right and title of them that first made it: The deserts of Arabia of old being destitute of settled inhabitants for that the borderers made occasionall vse of part off it as they were capable is vnquestionable for wee read that Jethroes flock were formerly kept vpon the Edge of Mount Sinai: were free for Israell not only to Journey through but after a sort to inhabitt for the space of fourty yeares and why not for ever? Neither of which could lawfully be attempted vpon the bordering land of the said deserts possessed by the Moabites: the like may be said concerning those deserts of America and is constantly practised by all other nations of Europe as well as by the subjects of the King of England.

2. Secondly Because the Pattentees of the Massachusetts tooke a graunt of that Collonie so and soe Bounded by Charter from the King of England, which is a sufficient Argument that the King of England in their owne account had a right of Jurisdiction over them from the first.

3. Thirdly it is noe less manifest that the King of England did never divest himselfe of the right of Jurisdiction which he both really had and was by themselves owned to have over the said Collonie which I have heard by these Reasons demonstrated.

1. First its maintained by all the Lawyers off France that Provinces once incorporated into the Crowne can never be allienated by the sovereigne Power of any succeeding Prince without the Consent of all the Estates: Why the like may not be affirmed of the King of England who is by right and title the King of France also, noe reason can be rendred, and iff that stand good its not to be supposed that the King of England hath done what he could not doe, non possumus quod non jure possumus. Its said by Bodin a wise states man and great Lawyer that the markes and recognisance of sovereignty cannot be communicated with subjects nor agree to any but a sovereigne Prince. According to this rule the sovereignety of the Mas-

sachusetts soe long as it continues any part of the King's dominions cannot be communicated to any of his subjects, its the common oppinion of Lawyers saith the same Bodin, l. 1. c. 10. that Royall rights cannot be yielded vp detracted nor any otherwaies alienated, or by any tract of tyme proscribed against; amongst those Royall Rights that of soverainity and Jurisdiction and giving law to the subjects is Justly to be accounted the principall and most Essentiall to the Crowne it is a right soe inseperable that another doubteth not to affirme that iff a King and his subjects should be driven out of his kingdome he still continueth King over them they are still bound to him by their bonds of Alegiance wheresoever they be,[1] and iff vpon such an exigent of Captivity the Jurisdiction of a prince over his subjects continueth and that they owe him subjection and obedience much more will it be treu vpon a voluntarie transmigration to plant Another part of the Princes Dominions with consent and liberty thereto abide vnder his protection and Alleageance, yea the right of soveraignity is in some places esteemed soe inseperable from the Crowne that Although the Provinces be exchanged with Another prince or otherwise given away vpon treaty yet the right Jurisdiction will remain, as in the Province of Burgundi the County of Choraloies belongeth to the King of Spain as to the propriety thereoff, wheras the soverignty theroff belongs to the french King; but let it be granted that the naturall subjects of the King of England may be exempted from the personall obligations wherwith they are bound vnto him yet iff he never have consented to any such Exemption the said obligation remaines as firme as ever which is therfore in the next place to be considered off.

2ly. Its Absolutely denied that ever the King of England hath granted away his Jurisdiction over the Massachusetts that he hath not is manifest (they say) by sundry express passages and clauses in the Pattent which makes them conclude that the King's right of Jurisdiction continues as firme and Inviolable after the granting of the Pattent as ever it did before: first by the way praescribed in the pattent for the Issuing of aell differnces between the King and his subjects and between the planters of the Massachusetts and the subjects or people of any prince or state In the former Case its provided that every clause in the Pattent shall be taken to all intents and Constructions of law in favor of the planters but not contrary to sence and reason, whence necisarily gathered that there is some Law by which all such jmergent Controversyes are to be decided and by what law can the Concernments of the King of England and his subjects be Judged and decided but by the law of England and before whom but such as he that is the fountain of

[1] Sir W: Raleigh Priv. of Par., p. 41. [In margin of the MS.]

Justice shall Authorize for that End furnishing them with plenary Authoritie for that Purpose; If it be thought less conveniant that he should in his owne Person Judge and determine thereoff: in Case of the latter it is provided that vpon Complaints of wrong done to the subjects of another Prince, etc. iff vpon Proclamation made etc satisfaction be not given that the King shall putt them out of Protection, It would be counted hard and vnjust iff the King should *causa non data* put them out of his Protection, it of necessity will follow therefore that vpon notice given the King may both Judge of the Cause and satisfaction to be made, *qui vult finem vult et media.* It seemes very manifest from hence that the way and meanes how such Cases may come to a hearing is left to the pleasure of the King either by sending of delligates to Judge and determine vpon the place or by the personall appearance of some in behalfe of the supposed offendors.

2ly by the Restriction added to the Power of making Lawes granted in the Pattent viz: not repugnant to the lawes of England of which who a competent Judge but the Granter or his heires and sucsessors or such as are Impowred by them, its vsually said that the Interpretation of Lawes belongs vltimately to them that made them such a clause in the pattent hath the nature of a law imposed vpon the Pattentees therefore in Reason belongs to him that first granted the said Pattent or his sucsessors to Judge whether it be broken or not.

3ly in that there is a liberty granted to the Pattentees to transport themselves with any other that are willing to live with them vnder the King's Protection and Alleageance which words containe the reciprocall Bonds of the King and his subjects Alleagiance importing all and only that duty and obedience that the subject oweth to his Prince and soveraigne, fealty and homage may be due to the lord of the mannor Alegeance only to the King the meaning cannot be better expressed then the master of Chancery hath expressed in the oath Administred to the first Governor Mathew Cradock *Juratus de fide et obedientia domino regi.* how Any people should owe Allegeance i. e. fidelity and obedience to one that hath not the right of Empire of them passeth the reach of ordinary mens vnderstandings, And whether the Patentees in making vse of the liberty granted to come hither upon that express Condition or not vnder the same obligation with other subjects in point of duty and obedience to their soveraigne let the Pattent be judge and the world too iff noe less Arbiter will serve to decide this Controversy.

4ly the Kings right of Jurisdiction seemes in express termes to be reserved in the Pattent when the Pattentees are in Corporated

and made a body politique by the name of the Governor and Comp[any] of the Massachusetts the names of every which society is to be dependent vpon another as superior and not to be a Commonwealth or free state in it selfe and made capable to sue or be sued in any of his Majestys Courts doubtless all such are vnder his Majestys Jurisdiction while they inhabite any part of his dominions and over all such his right of Empiere must be acknowleged what can be more equall then that the law of duty and of obedience should be as farr extended on the one hand as the law of favor and privilege one the other, its a privilege to sue in any of his Majestys Courts why should it not be a duty to be lyable to be sued as other subjects are:

5ly by Pattent all such as are born here are capable of the greater priviledges in England as to inhaerite lands etc to which noe stranger but English subjects can be admitted unless naturalized And had not the King intended vs to continue his subjects here, notwithstanding the Pattent, what should move him to graunt it, what is more vsuall or Rationall then for princes to look at all such as hold lands or honors in their dominions as subjects and accordingly to exercise Authoritie over them: Matthew Earle of Linnoch [1] a scott by birth living some tyme in England and having Lands there returned into Scottland vpon the Invitation of the Queen of Scotts intending a marriage with his son, which Queen Elizabeth vnderstanding by the Advice of her Counsell called him back upon his Alleageance, when the late Duke of Hamilton [2] vpon the Tryall for his life pleaded that he was a scot the Judges Answered he was Earl of Cambridge and vpon that account proceeded against him as an English subject by reason of his honors and lands some of them lying there. When Edward the first was summoned to doe homage in person to the King of France for the dutchy of Normandy held of that Crowne he yeilded therevnto then also when one Guasco de Beirne a Gascoigne subject of the same Edwards had Appealed from his sentence to the Judgment of the King of France he admitted of the appeale for the which act the King of England was blaimed by some yet turned it greatly vnto his honor the Appealer being Condemned by the Parliament of Paris and sent home to the King of England to prostrate himselfe at his Majestys feet with a halter about his neck for Justice or mercy for greate is the duty of subjection which belongs to soveraigne princes from all such as hold any lands of them Although otherwise they are soveraigne Princes themselves in their owne Kingdomes how much less can

[1] Matthew Stewart (1516–1571), Earl of Lennox, and father of Lord Darnley (1545–1567).

[2] James Hamilton (1589–1625), second Marquis of Hamilton.

they who are soe farr inferior denie the subjection which as naturall subjects they owe to their lawfull soveraigne.

6ly to all which may be added, that the absolute Power suposed to be given in this Pattent is expressed in noe higher termes then that which is granted to all Commanders to be Imployed in the transportation of the planters which certainly the Governor and Comp[any] did never take to be soe absolute as not to be accountable in case of any irregularitie in the execution.

I have done with the Afirmative and shall in the next place touch as Breiffly on the negative with what is vsually replyed to the objections on that hand.

1 It is first Alleaged that it was the intent of the Pattentees to transplant them selves at their owne charge that they might enjoy the free Exercise of their religion which cannot be secured to them and their successors vnless suported by the Civill Authority and that in a way of Absolute Power without allowance of Appeale: otherwise they say all the power granted them would stand them in little stead to such an end if they should be lyable to submitt their Judgments and sentences to the Alteration of others to whom Athoratie might be derived from a soveraigne Power or Jurisdiction to overrule all their Juditiall Proceedings to disannull the best laws that might be enacted for the benefite of the inhabitants either Eclesiasticall or Civill and to revoake the most Just sentences that had been passed by their rulers. To this it is Answered that there is some Collour of Reason in the Alligation yet but a Collour for iff intents might be vrged vpon the part of the Pattentees will it not be as strongly argued on the part of the Grantors that none of them had any intent to part with their soveraignty or right of Empire and soe to confer the same vpon other persons vnknown to themselves and what should move them soe to doe is hardly Imaginable Princes though Profuse yet vsually Propound to themselves some end of their Bounty The Examples are very rare wherin any Prince vpon noe stronger inducement hath been willing to divest himselfe of soe much of his soverainty. It is well knowne what his Majesty now Reigning doth claime, nor is it likely he should soe easyly forgett what we ourselves have acknowledged in our Addresses to him of dread soveraigne, Loyall subjects etc it would seem very absurd and Irrationall for any one to challenge such a legacy in a testament because it is either there or at least was intended to be there is there not as little reason to challenge a Privilege not expressed in a charter because the granters intended such a favor should be Allowed them therin: But as to the other Branch of the objection it must be replyed that noe indirect Course must be taken to secure either sacred or civill Priviledges and liberties, seing that

its never lawfull to doe evill that good may come thereoff, and iff those that were in the place of supreame Athoritie should manifest them selves less favourable to the growth and Progress of true religion the matter is to be left to god we have discharged our duty after we have improved all just and lawfull endeavors for soe good an end, for we have noe warrant to denie the Jurisdiction and Athoritie of them whom Providence hath invested therewith vpon a supposition that wee could better manage it or disperse it in to hands where it might be better improved to the advantage of Religion or the good of the subjects, it will never be owned to be a regular way of giving vnto god the things that are gods by taking away from Cesar the things that are Cesars, for soe by a Jesuiticall distinction of (*in ordine* ad) the force of all Civill Athoritie might come to be eluded the sad Trajedges acted in the vpper and lower Germanie by the instigation of Thos: Münzerus, John of leyden and knipperdolling may sufficiently caution sucseeding Ages not to Appose the Civill Athoritie vpon any such like Pretences.

2ly its objected by some that the People of the Massachusetts ought to be exempted from any Jurisdiction besides their own because they are at soe great a distance and that there can be noe lawfull summons to call them to Answer in England because the common law is included within the four seas and therefore noe writ of Justice or civill Power can reach to any forreigne place. To which its replyed that its great Pitty the King should loose a Province for want of a law to govern it. But the truth is some are willing to please them selves with shewes in stead of solid reasons. A King may have several provinces and distinct kingdomes vnder his Jurisdiction all which may be governed by their nationall and distinct lawes yet hath their soveraigne equall Jurisdiction over them all and a compleat right to govern them, though not by one and the same law, the subjects of the King in Scottland have a Parliament and lawes and Customs of their own the King of England as such cannot command them out of Scottland nor ought he to Judge them for any offence committed against him as he is King of Scotland by the common or statute law of England, yet nevertheless he would be adjudged vnskilled in law and Reason also that should say that the King of England cannot by law require any of his subjects in Scottland or Ireland to appear before him in England and there answer for any offence against his soveraignty and Jurisdiction. in generall if the Massachusetts had been a distinct kingdom or state yet while the King of England is there King they owe obedience and subjection to him and are bound to repair to his Prescence into what part of his Dominion soever he should send for them for such an end the Massachusetts have liberty to make

lawes of their own and not sending Burgesses to the Parliament of England they ought not to be vnder the lawes that are made there, nor to be judged by them (say some) but by their common lawes: It would have some weight had this countrey been ever erected into a distinct kingdome or Government of itselfe, but being a Collonie of naturall English subjects it may be doubted whether they are not included in the legislative Power of the Parliament of England but iff it should be granted that so they be not the objection would not be of any force to conclude the negative of the Question, for as much as still the King within whose Dominions the Massachusetts are seated would require subjection to his Athoritie and Jurisdiction as King, and the denyall of it would be *crimen laesae majestatis*. It is noe matter by what law he would judge, whether the lawes of force in England or in the Massachusetts his right of Jurisdiction must needs be acknowledged absolute and intyre over all his subjects here as well as in other of his Dominions.

3ly in the next place it is usually Alleaged that they are exempted and freed from all duties and services except the payment of the 5th part of Royall oare holding as of the maner of east greenwitch in free and common socage. To this its by others replyed that both the King and many other lords and Gentlemen in England have many such Tennants yet are not the King's tennants freed therby from the duty of subjects, but only from such services as by other tenures they would be lyable vnto, its one thing to be a tennant to the King in this or that sort of tenures according to Ancient Custome peculiar to severall persons and another to be subjects to the King which is common to all that are settled in any of his Dominions and soe are equaly vnder his Jurisdiction, be they naturall subjects by descent or necisary subjects by force of Armes and Constraint, or voluntary subjects by consent or agreement iff any please themselves with such a distribution it comes all to one pass, because though obligation be stronger in one sort of subject then in an other yet the duty of obedience and subjection is equall to all that are soe related to a King as his subjects, the Massachusetts owe the 5th part of gold and silver oare to Charles Stuart as their landlord and lord of east greenwitch, and not as King of England and whosoever were lord of east greenwitch as one was lately reported to be would justly claime the 5th part of the said oare in the Massachusetts though he were not King of England and the King of England iff he exchange the manor of east Greenwitch for some other would yet claime a right of Jurisdiction over the Massachusetts and find expressions enough in the pattent relating to him as soveraine as well as the other relating to him as landlord which will fully enough and sufficiently warrant his claime, as those of Protection

and Aleagiance allready mentioned proper only to King and subjects and never claimed by land lords as such from their tennants of any sort whatsoever: It would puzle all the logicians lawyers and divines in Europe to find under what tropick to place such kind of subjects as will allow none to have jurisdiction over them.

4ly The objection which in the next place offers itselfe to Consideration is the liberty of making lawes with full and absolute Power to govern the People here religiously. This might have proved a dangerous obstruction to the King's soveraignty iff it had not been prevented by the restriction going along therewithall as in part hath been declared already; that there is a Power of government granted is beyond exception but it is yet to prove that the King in granting that Power hath divested himselfe of any parte of his soveraigne Athority over his subjects. Kings cannot be present in all parts of their dominions and therefore had need of ministers and deputies to officiate vnder them, and by virtue of their Athority in Appointing such they doe not divide their kingdomes or set vp other kings though they communicate their Power they doe it cumulative not privative as the schooles speake they never abdicate their power from themselves: The King may in any Corporation or City in his Dominions where he comes exercise all the Authoritie of the Governor of the place, he may and in case ought to call to account and take notice of the complaints against his ministers or deputies, and releive any of his subjects that are oppressed by them by their abusing his Athoritie, otherwise how could the King scatter away all evill [with his eyes [1]] from his throne or be a terror to the wicked which are essential to his office, as was well Answered by an old woman to the King of Macedon that iff he were not at leysure to doe her justice he should not be at leysure to be King, Absolute power doth not intend soveraigne or independant Power but such a degree of Power in Governing as needeth noe further Adition of athoritie to exert itselfe but may by what Athoritie is derived to it exercise and exert a compleat act of government soe as it is not in the liberty of the governed to hinder the perfecting of his act, by which perhaps or not at all Appeales from our highest Courts may be cut off least other wise perchance the remedye may prove worse then the disease: but what followes from thence such a Power may be necessary for the well ordering the government of the place least the life of Justice should be extinguished by an overlong suspension or retarding its execution. but the right of Jurisdiction in a soveraigne canot therby be denied vnless on should denie the King a right to hear petitions and the Complaints of those that may be oppressed and to relieve them which is so inseparable

[1] These words are struck out.

to his office (saith one) that he cannot by any edict prohibitt the same from some Courts in England as well as in other kingdomes there lies noe Appeal strickly which should inhibitt the execution after sentance given Especially in Criminall Cases: yet even in those there may be Adress made to the praerogative of the Supreame Power, the deniall of which in some cases would convert *jus in summam injuriam* as the Proverb is, iff the Interposition of the People had not affoorded a sanctuary and seat of mercy to Johnathan after the rigorous sentence of Saul to prevent the Execution his life had been cutt of with great injustice: there may be the like Reason in others who might else be made a sacrifice to the rage of unreasonable men vpon a pretence of law and Justice, but in Civill actions appeales are very ordenary and in England they may in some Cases run on from lower Courts of Justice vntill they come to the Lords of the Parliament: but that they should in a kind of retrograde motion be brought back from the highest Courts of Justice to be determined in a mixt Assembly by the Plurality of Voyces; the cheiffe Rulers voting confusedly with the delegates of the People seems very irrationall, against nature and the Practice of nations in all Ages of the world the Instance before given about Saul and Johnathan was an Extraordinary Case and soe not fitt to be made Pressidentiall; when things are taken from the Senate and brought back to the People its the ruine of the Common wealth saith Bodin: many societies and Corporations have Power to make orders and lawes yet the King may and frequently hath called the Judges to account and Punished them for their vnrighteous Administration; nor ever did any Corporation (And soe is the Governor and Comp[any] of the Massachusetts sometymes styled in the Pattent) continuing in its Alleageance dispute or question their King's Athoritie over them, Corporations and families are related to a kingdome or Common wealth as the parts to the wholl in the one there is a Community Civill as there is in the other a Community natturall and many such Communityes Allied together and combined vnder a soveraigne Power make one Kingdome or Common wealth it is made by some the specifficall difference of a Corporation that it is a lawfull Community or society vnder a soveraigne Power and that nothing can be ordained by them contrary to the statutes established by the supreame Authoritie soe as their ordenances cannot be repugnant or contrary to the lawes and ordenances of the supreame Power vnder whom they are combined and as Bodin saith for as much as rebellious and seditious (which are vsually Punished in Corporations by the loss of their Priviledges) are suposed to be done by the wholl when the greater part consent, it is to be vnderstood that the decree for the doing thereoff was made in their Com-

mon Assembly in which Case the wholl is lyable to be punished though a great number in particular did not consent In the Spanish Judges which continue in their Alleageance and subjection to the King of Spaine some governments have Power of making Lawes and ordenances; and saith my Author there are in the severall Provinces ten cheiff Courts from which there lyeth noe appeale in matter of Justice though there doth in matter of state and Point of greivance to the King who takes order therein soe that all that is granted in this clause of the Pattent may be and is dayly Practised without any diminution of the King's right of Jurisdiction (yet it were to be wished that some things which seeme necisarie for good government were more expressly and in termes set downe in the Pattent then can be found there) iff any inferr from thence that whatever is necisary for the best advantage of Government either was intended or ought to be granted there and we may saffely and warrantably soe Practice, that as some conceive will not be easyly granted espeacially in Prejudice of the soveraigne Power. It will not be admitted as sound doctrine in Pollicie that the subjects and inferior should prescribe to the superior that were to invert the very order of nature and to make the governors to be the governed. the family will be ill governed where the children shall vsurp vpon their Parents right and expect their Parents should grant them every thing they think they have need off or may be vsefull for them.

5ly It is also pleaded that liberty is graunted in the Pattent to defend ours Against any that shall goe about to Anoy vs or seeke our detriment: that liberty its treu is founded on the very law of nature yet is it necisary it should be determined as to perticulers and expressed, for else without Commission from a soveraigne Power or orderly Combination in a free People it might be looked vpon as Piracie or disturbance of the Publique Peace to take vp necesary armes, but how this should be intended or Interpreted by Armes to apose resist the King's Athoritie can never enter into the minds of sober men. It is not necessary here to treat whither it be lawfull to resist soveraigne Athority that this clause hath any such meaning no knowing man can imagine it referring only vnto strangers and that but in an after clause in case of difference between the King and his subjects here praescribing a Rationall way for the Issuing there off which surely is more agreable to reason then force.

6ly That which falls next vnder consideration is the security granted for any act done by the pattent an exemplification wheroff is said to be a sufficient discharge against the King his heirs or successors to which the Answer is given, that as it is saffe for vs that the Pattent should secure vs from danger of law or the Kings displeasure soe it doth not in the least derogate from the Kings right

of Jurisdiction over his subjects whose honor it is (as will be easyly granted) to preserve vnto them all the priviledges granted in his royall Charter; nor is it any dishonor to Assert his owne right of Empire over them both which may very well consist not withstanding the objections of the different minded to the controversy iff it had never been expressed in the Pattent the most soveraigne prince in a royall monarchy being obliged to attend to the law as his rule of government that law (which in the treu extent and meaning of it is *salus populi*) had been a sufficient Bulwarke against the exorbitancy of praerogative or absolute will in the Ruler and that which is in termes expressed doth but explicitely declare what every christian Prince is implicitely obliged vpon his entring vpon the seate of government to maintaine and cannot but owne himselfe soe to be (Although such be the swelling nature of mans Ambition that it needeth ofttymes the strongest repugula to restraine it, soe farr as reason will allow) but certaine it is noe less *praeter intentionem quam rationem* to force out of such a clause any such Conclusion as should debarr a prince from calling his subjects to an account in case for therby he should be deprived of the sword of Justice, with which he is girded by God himselfe, or have his hands bound vp from being able either to maintaine his own right or releive other of his subjects oppressed by their vnrighteous neighbors both which were vnsufferable vsurpation and injustice.

7ly That which I have heard in the last place objected (which although it be the least insisted on in open veiw, yet is it not suposed to have the least influence on their minds that are soe strongly engaged on the negative) is the danger they fear would arise to the inhabitants of the Massachusetts should they be necessitated to own their dependance vpon the King soe farr as to acknowledge his right of Jurisdiction over them: For Answer to this grand scruple I have heard it said first in Generall that fear and Jealousy are observed alwaies to be the worst Councellors that can be advised withall in exigents attended with difficulties or danger: for as the philosopher speaks by sugesting dark and terrible events they often tymes dark the eyes of reason and Judgment and sometymes by an over Curious discovery of vnlawfullness in some of the soccors presented by reason of insufficiency or difficulty in others, or else submitting of them to the false interpretation of a crooked and praejudicate suspition, either none are made vse of or those that are most vnable to releive whence it is that men vnder the Power of those reasonless and hurtfull Passions doe frequently betray themselves into the hands of these misscheiffs and dangers they would most of all shun and avoid wheras those who are led by the Conduct of true reason are neither willing to flatter themselves into

a careless security on the one hand nor yet to distract themselves on the other hand with groundless fancyes and surmises as to decline the paths of righteousness which only will in the Isue lead to quietness and safety. But more perticularly it is as truly affirmed that feared inconveniences and dangers may not denie another mans right much less the Kings: we may not admitt of the least morall Evill to provide for the greatest Civill good, where God hath made subjection a Positive duty man may not dispence with obedience vpon the pretence of danger or inconvenience If the supream soveraigne of the world hath admitted an heathen Prince to pitch his royall Pavillion amongst the tents of Judah as well as Egipt, Zedekiah will be called to an account as a faithless Person for breaking the oath of god. Kings hearts are in the hands of god and soe are their scepters to be extended or continued at his pleasure, he setts vp whom he pleaseth nor is any man to be denied his right because it is suposed or feared he will abuse it the best of kings have abused their power as well as the worst of which they shall give an account to god in his owne tyme and way who is as well king of kings as lord of lords In the mean tyme their acts are valid before men however they may be vnrighteous before god. Thou and Ziba devide the land was an enormous yet a valid sentance. Nero though a persecuting tyrant yet must be obeyed for Conscience sake not against god but in all things wherin he hath right to command Calvins opinion may in this case be of vse Inst. lib. 4 cap. 20. sec. 25 but if we look to the word of god it will lead vs further, that we be subject not only to the government of those Princes which execute their office towards vs well and with such faithfullness as they ought but also of all them who by what means soever have the dominion over vs allthough they performe nothing less then that which pertaines to the Duty of Princes and in the end of the same section let vs rather insist on the proving that which doth not soe easyly enter into the minds of men that that eminent and divine Power which god hath by his word conferred on the ministers of his righteousness and Judgment may reside in the vilest Person and most vnworthy of all honor iff soe be he have the Publique Athoratie in his Possession and that he ought therefore to be had in as great reverence and esteeme of his subjects so farr as concernes Publiks obedience as well as the best of kings you may see more to the same Purpose in 3 or 4 sections of that chapter but to Prevent their fear of the worst in this kind they may make vse of the Confidence of a great divine whose worth and ability is sufficiently knowne and admired by them of the contrary Perswasion in this Question in his Answer to fiat lux pag. 434 where speaking of turning to Poperie he saith it is evident which way the generall vogue in England will

goe and that at least till fyre and faggott come which (Blessed be god) we are secured from whilest our present soveraigne swaies the scepter of the land and hope our Posterity may be soe vnder his offspring for many generations.[1]

Thus, Sir, I have endeavored your satisfaction by presenting to your view the reasons Pro and con wherwith I have heard this question often discust. I durst not adventure to anticipate the Eminency of your owne Judgment in making the Conclusion nor shall I detaine you longer then in Perusing a few directions of my own observation if any should yet hesitate and cannot come to a resolution either way in Point of right, let them first attend to the rules of scripture Rom. 13. i, 2. *et sequ:* 1 Pet. 2. 13. *et sequ* with Prov. 16. 14. Ecl. 8. 2, 3, 4. 2ly. let them take notice of the rules of Prudence which will sugest many Considerations of inevitable Danger and evill that will attend the denyall of the Kings right of Jurisdiction here; obvious to the weakest Capacity: with good Conscience may a man in case part with his own right skin for skin and all that a man hath will he give for his life, was an old Proverb yet noe man can take away anothers right without breach of a rule, it will not be amiss sometymes to make a virtue of necessity as it hapened to Micah whose necessity gave him so much Prudence as with silence to put vp that Injury which with great heat at first he seemed forward enough to withstand before he weighed the inconvenience of falling into the hands of Angry fellowes to the loss of his own and his households lives. but iff such as went about to spoyle him of his Imaginary Dyety (with which he accounted himselfe soe priviledged but a little before had been armed with the Authoratie of the nation to which he belonged doubtless his destruction had been the more to be questioned seing he might have supplyed himselfe with gods of another mettell at a cheaper rate then the loss of all he had and ruine of his family iff he could have promised to himself any security by the prescence of such Protectors as he falsly suposed. Lastly let them but consult the experience and Practice of the church of god in all ages from the Primative tymes to the dayes wherin wee live,

[1] This may give some clue to the date of the paper. In 1661, Vincent Canes, a Franciscan friar, published *Fiat Lux, or, a general Conduct to a right Understanding in the great Combustions and Broils about Religion here in England betwixt Papist and Protestant, Presbyterian and Independent.* Dr. John Owen (1616-1683) wrote in reply *Animadversions* on the *Fiat Lux*, printed anonymously in London in 1662. This called out an *Epistle to the Authour of the Animadversions upon Fiat Lux* from Canes, and a *Vindication* from Owen. Canes' first work, *Fiat Lux*, was also answered by Samuel Mather, in *A Defence of the Protestant Religion*, Dublin, 1671. On the death of John Norton the General Court of Massachusetts invited Dr. Owen to remove to the Colony. The letter is in 2 *Mass. Hist. Collections*, II. 265.

within the Compass of which memorable and solemn Instances may be given to shew how vnsaffe and dangerous it is for subjects either to resist or stand vpon too high termes with them whom Providence hath exalted to the place of supreame Authority over them vpon a Pretence or hope of securing themselves by the way of externall force.

THE LIBERTY OF RELIGION OR OTHER CIVILL PRIVILEGES.

Amongst many sad Examples let them record those two the more remarkable because within the ken of our own knowledge or remembrance the first is that of the Bohemians reported vnder the Authoraty of Comenis[1] their last Bishop whose destiny it was as by his dolefull hystorie of those things appears to close the eyes of the Dying Protestant interest in that nation the originall of their last sad and miserable fate was this as he relates it. the People vpon some vnjust taxations thinking them selves necessitated to take vp Armes for their defence became lyable thereby to be Prosecuted by the Civill Authoraty for Rebellion against the soveraigne and so were easyly throwne downe head long into such a Presipis of misery and Confusion that they were never able to recover themselves thence vntell they had brought inevitable ruine vpon themselves and theyre whole party. the other is that of the reformed churches in france of not much above fourty yeares standing who being drawen in by force of Armes to oppose the demand of the soveraigne Power in some things Pertaining to the militia vpon a Jealousy and Apprehention that by yielding therevnto they were like to be vndermined in the lyberty of their religion by that injustifiable to be sure vnsurpassfull resistance of theirs it came to pass that not only the wholl nation was put in to a dreadfull Combustion which soon brake forth into an open Civill warr that could not be quenched till not only the Prince and flower of the Nobility and Gentry on both sides were cutt off but themselves forced to resigne vp all their Cautionary Townes and strongholds to the number of ninety three and were forced after all to make their submission on their knees craving Pardon for resisting the King's Power, humbly acknowledging also that the Jealousy they had of having the liberty of their Conscience taken away by the spreading of false rumors amongst them had plunged them into those miseries.

The fatall Consequences of the late transaction in the Ile of Wight might not impertenently be aleaged vpon this occasion Did not according to the saing of a late historian the following modern

[1] Johann Amos Comenius (1592–1671). The reference is probably to his *Historia Persecutionum Ecclesiae Bohemicae* (1648).

Truth too hard at the heeles endanger the sticking out of the teeth of the Pursuers.

Vpon these and such like Considerations some intelligent Persons in the Massachusetts doe believe that allthough at present Interest or Passion may prevaile with some men to opose moderate Councells and Endeavors yet iff it should come to a pinch they would with Bellarmine, who in his life had taught the doctrine of mens merit, yet at his death concluded it the saffest way to trust to the merit of Christ. Although men may a while dispute against the Kings Authority and stand vpon their own right, they may in a little tyme crave his mercy and Clemency seing against a King there is no rising vp. Sir, you see I have much exeded the bounds of a letter as well as my own intentions out of an earnest desire of your satisfaction that makes me Ambitious to serve you. The Confident hope of your favorable acceptance of my Endeavors therin doth sufficiently secure me against the severity of that Censure which otherwise the Imperfection of my work might deserve thus in the multitude of Hurryes and distractions I take leave and remaine yours soe long as men may be their own

A prudent man foresees the evill and hideth himselfe the simple pass on etc Prov: 22. 3

The wrath of a King is as the messenger of death but a wise man will pacifie it. Prov: 16. 14.

Remarks were made during the meeting by Messrs. SANBORN and WENDELL.

FEBRUARY MEETING.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the PRESIDENT, Mr. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the last meeting.

The Cabinet-Keeper reported the gift of an engraving of William Stedman, member of Congress from 1802 to 1810, by St. Memin, from Mrs. Kate R. Tilton; of two etchings, published by the Iconographic Society of Boston, one of the First Church in Boston ("The Old Brick") by C. J. Watson, and the other of Christ Church by Axel H. Haig, from Mr. C. F. ADAMS; and of a bust of Noah Webster, Lexicographer, and a Corresponding Member, the seventh on the roll, of this Society, 1792 to 1843, from Mr. FORD; and then referred to the collection of Massachusetts coins and medals, exhibited on the President's table, purchased for the Society by Dr. STORER, Curator of Coins and Medals.

Dr. STORER spoke as follows:

On taking charge of the medal collection I naturally first examined with great interest the Appleton collection, as it is one of the most famous collections of Americana extant, notable perhaps not so much for the number of its specimens, only 3546, as for the many rarities it contains. I have prepared a list combining the Appleton collection and the general collection of the Society.

It does not seem to me that it comes properly within the province of a Society such as this to attempt to make a general collection of coins or medals; nor, when I think of the $5000 or more sometimes paid for a single specimen, does it seem advisable to attempt, at present, to specialize in Americana.

Of course numismatic gifts of any kind will not be refused, either in the shape of medals or in current money wherewith to purchase medals. On the other hand it does seem to me eminently proper and desirable that this Society should include in its collections all attainable coins and medals in any way relating to Massachusetts, and more especially to Boston. Such medals not only illustrate the gradual improvement in the medallic art, but also have a very real historic interest from the men and events they commemorate.

In the two months that I have been working upon this subject I have already collected descriptions of more than four hundred medals referring to Massachusetts and hope eventually to lay before you a numismatic history of the State. We have now in our collection 263 of these Massachusetts medals, including coins of the early revolutionary period and storecards.

You will find among these medals now on the table a number of medals of Harvard Societies, some twenty I believe, many of which I had never heard of although I have been the curator of the Harvard coin collection for many years. There are also some very rare storecards, interesting as showing what old Boston firms had sufficient energy to try to alleviate the scarcity of circulating small change in the stringent times of 1837 and of the Civil War. There are also many masonic medals, several rare school prizes, the curious "two minute man" of the Charlestown Antiques, awards of various societies, medals struck to celebrate anniversaries and the like, and a number of personal medals including a probably unique one of Daniel Webster, and an interesting old French medal of Lalande, the astronomer, which includes Boston among the cities of the learned societies of which he was a member. He was one of the earliest foreign members of the American Academy, elected in 1782, I think. Let me suggest that doubtless some of the members of this Society have had or will have medals struck in their honor, and nothing could be more fitting than that they should present a copy of any such medal to this Society.

The Corresponding Secretary reported the receipt of an invitation from the International Congress of Historical

Studies to appoint delegates to the meeting to be held in London, April 3 to 9, 1913. He also reported that Mr. C. F. ADAMS had been appointed delegate, with authority to add other delegates at his discretion.

The Editor reported the gift of a letter written by John Brown to his wife and children, November 8, 1859,[1] four days after the sentence of death had been imposed upon him — one of the last letters written by him, — from William Endicott; of a number of letters from the papers of Francis and William Baylies of Plymouth, Mass., from Dr. Loring W. Puffer; and, from J. F. JAMESON, of a valuable calendar of the papers of Gov. William Shirley, in foreign and domestic collections, prepared for Mr. Charles H. Lincoln in compiling his two volumes of Shirley Correspondence printed by the Society of Colonial Dames.

Announcement was made of the death of James M. Bugbee, a Resident Member, which occurred at his home in Winchester on February 8th. In making this announcement the PRESIDENT observed that as respects loss of members the Society had of late been fortunate. Three deaths only had occurred during the year 1912; and Mr. Bugbee's was the first in the current year. As the funeral of Mr. Bugbee had taken place only on the previous Monday, and the President was absent from Boston at that time, no arrangement had been practicable for the usual characterization at this meeting. The President said, therefore, that he should confine himself to the announcement of the vacancy thus caused in the roll of Resident Membership, and to the appointment of a member to prepare a Memoir. He designated Mr. STANWOOD. He then, in pursuance of the usual practice, stated that James McKellar Bugbee was born at Perry, Maine, December 17, 1837, and elected a Resident Member of the Society November 9, 1882. At the time of his election Mr. Bugbee was accordingly closing his forty-fifth year, and at his death had been a member over thirty years. His name then stood thirteenth on the roll. During his membership Mr. Bugbee attended forty-nine out of a total of two hundred and seventy-eight meetings held. His services to the Society and his contributions to its *Proceedings* had been considerable. In 1884 he

[1] It is printed in Sanborn, *Life and Letters of John Brown*, 585.

was on the Committee to publish the Letter Books of Judge Sewall. At the April meeting of 1887 he gave to the Society an engraving of Phillis Wheatley, and in 1890 he presented a letter on the authorship of the Journal (1776) erroneously ascribed to Ebenezer Wild.[1] He communicated a true Journal of Wild (1776–1781) at the October meeting of the same year, together with letters of two French officers who served in our Revolutionary War.[2] In March, 1891, Mr. Bugbee was appointed to write a Memoir of Samuel C. Cobb. This he prepared, and it was communicated the following February.[3] In 1892 he served on the Committee to examine the Library and Cabinet, and prepared the report. In 1897 he communicated a Memoir of Henry L. Pierce;[4] and in 1898 and 1899 he served on the Committee to audit the Treasurer's accounts. In 1901 he prepared the Memoir of Samuel F. McCleary, which appears in our *Proceedings*.[5] The last meeting Mr. Bugbee attended was that of November, 1903. For the closing years of life Mr. Bugbee suffered from an illness which caused a discontinuance of his activities, in connection with this Society as well as otherwise; in fact for a considerable period preceding his death he was confined to his home by physical disability.

Mr. C. F. ADAMS then read a paper on

SECTIONAL FEELING IN 1861.

Among the contemporary memoirs, correspondence and reports relating to the early days of the Civil War, few are of more importance, and of greater historical value as evidence of a witness on the spot at the time, than the letters of William Howard Russell, then the famous Crimean war correspondent.

The fact is probably forgotten by those of this generation, but it was Russell who, in connection with the operations carried on before Sebastopol in 1854–55, practically originated what became the system of Special Newspaper Correspondents in time of war, which subsequently in the Indian Mutiny,

[1] 2 *Proceedings*, VI. 39. [2] *Ib.*, 78. [3] *Ib.*, VII. 318.
[4] *Ib.*, XI. 386. [5] *Ib.*, XV. 255.

and our own Civil War, and yet later in the Russo-Turkish, South African, and Franco-German operations, was carried to such a degree of elaborate perfection. In 1854, however, the specialty of war correspondence was as yet undeveloped; and the power of the modern daily newspaper as an organ of public opinion had only begun to make itself felt. There had then for a period of forty years, or since Waterloo, been no large military operations in which the whole world took interest; and in the stage of newspaper and other development of the period up to 1815 either Napoleon or Wellington would have looked upon a special war correspondent travelling with the army as nothing more nor less than a spy, and, in all human probability, would have summarily dealt with him as such. Napoleon was always a law unto himself; Wellington never tolerated civilians about his headquarters, and discouraged correspondence of any description. Moreover, the means of communication were then so limited and slow that practically there was no room for the newspaper reporter, or channels through which he could work.

When the war in the Crimea broke out (1854) the journalistic world had largely developed, and was on the threshold of a new era. Its power was about to be felt. Under these circumstances, the *Times* sent W. H. Russell out with the expedition under Lord Raglan, tolerated in a way at the headquarters of Sir DeLacy Evans, a division commander. Subsequently, his letters to the *Times* marked a distinct epoch in the memorable development of journalistic enterprise. Probably no special war correspondence before or since has excited such attention, exercised so great an influence, or so built up the personal reputation of the correspondent, as well as that of the journal in which his letters appeared. The *Thunderer*, as the *Times* was called, and which figures so prominently as such in Kinglake's dramatic Crimean narrative, then touched its climax. It exercised an influence world-wide in character, and never possessed before or since by a daily journal.

The Crimean War came to a close with the Treaty of Paris in 1855, and five years later, in 1860, our coming troubles were clearly foreshadowed. Their character and magnitude, of course, no one divined. Nevertheless, it was apparent that

events of first-class importance were immediately impending. The proprietors of the London *Times* evinced their appreciation of this fact by sending to America — not without a considerable flourish of journalistic trumpets — their famous Crimean war correspondent. His coming was an event; and so recognized, especially in the United States, South as well as North. Sailing from London March 3, 1861, W. H. Russell landed in New York on the 16th of the month; twelve days after the change of administration marked by the displacing of Buchanan by Lincoln. A period of death-like lull before the bursting of a storm, the minds and thoughts of all were in it intent on what next was to happen. Remaining in New York until the 25th of March, Russell then went on to Washington. He was in Washington until the 12th of April, when, as matters were then obviously coming to a crisis, he left for a trip through the South, going by way of Baltimore and Norfolk to Charleston. The firing upon Fort Sumter occurred upon the 13th; and Russell reached Charleston on the 15th. Remaining there some time, he thence made the circuit of the Confederate States by way of Montgomery, Mobile, New Orleans and the Mississippi River, getting back to Washington on the 3d of July, — the day before Congress met in special session. On the 21st of the month, he went out, following the track of McDowell's advancing army, and witnessed much which occurred later in that day after the Bull Run rout of the Union Army, and during its panicky return to Washington.

While journeying through the South after the firing on Sumter in April, and until the end of June, — a period of ten weeks, — during which events of the utmost importance occurred, Russell wrote long and repeated letters to the London *Times*. Subsequently, upon his return to England, on April 6, 1862, having then been in America a little over one year, he published, under the title of *My Diary, North and South*, whatever he deemed of value, either in his despatches to the *Times*, or in the private diary or note-book he kept while in the United States.

Having the special privileges of War Correspondent during his weeks passed in the Confederacy, he was not at liberty immediately to disclose through the public press much that he observed as a neutral, and a good deal that was said to

him by public men, military and civil, on either side. This material he in large part subsequently used; but on looking over the printed volume entitled *My Diary, North and South*, and comparing it with the original letters in the *Times*, I have, here and there, found passages in his letters omitted by Russell in his printed volume, which still possess great historical interest. They are the evidence of an unprejudiced witness on the spot at the time. The pictures conveyed are photographic. One of these — included in a letter which appeared in the *Times* of May 28, 1861, but omitted in the subsequently published "Diary" — contains a most interesting description of the state of feeling then existing in South Carolina as respects the Northern States generally, and the New England States more particularly. The bitterness of language he reports was something now almost inconceivable.

It is sometimes urged that it is useless as well as undesirable to rake out from the muck-heap of the past these evidences of a state of feeling long since passed away. To do so will, it is urged, result in no good, and is inconsistent with the kindly feeling now prevailing. Let the thing pass out of memory, and be forgotten!

This may be sound from the present patriotic united-country point of view. This is, however, an Historical Society. We have nothing to do with patriotism or existing kindly national feeling. What we want to get at are the facts of history; and in getting at those facts in connection with the events of our Civil War, it is not only important but it is absolutely essential that the historian should correctly understand the state of feeling then existing. There can be no better or more graphic evidence on this point than is found in the letters of Russell. I, therefore, propose to include in this paper, as so much material of history made accessible in the *Proceedings* of the Society, a portion of what then appeared in the columns of the *Times*, which, for reasons which seemed to him at the time good and sufficient, Russell omitted from his subsequent printed volume, — all the investigator now has before him. These omitted passages, written from Montgomery a few days only after the *Times* correspondent had left Charleston and South Carolina, read as follows:

The Civil War in America.[1]

From our Special Correspondent.

The State of South Carolina.

Nothing I could say can be worth one fact which has forced itself upon my mind in reference to the sentiments which prevail among the gentlemen of this State. I have been among them for several days. I have visited their plantations, I have conversed with them freely and fully, and I have enjoyed that frank, courteous, and graceful intercourse which constitutes an irresistible charm of their society. From all quarters has come to my ears the echoes of the same voice; it may be feigned, but there is not discord in the note, and it sounds in wonderful strength and monotony all over the country. Shades of George III, of North, of Johnson, of all who contended against the great rebellion which tore these colonies from England, can you hear the chorus which rings through the State of Marion, Sumter, and Pinckney, and not clap your ghostly hands in triumph? That voice says, "If we could only get one of the Royal race of England to rule over us, we should be content." Let there be no misconception on this point. That sentiment, varied in a hundred ways, has been repeated to me over and over again. There is a general admission that the means to such an end are wanting, and that the desire cannot be gratified. But the admiration for monarchical institutions on the English model, for privileged classes, and for a landed aristocracy and gentry, is undisguised and apparently genuine. With the pride of having achieved their independence is mingled in the South Carolinians' hearts a strange regret at the result and consequences, and many are they who "would go back tomorrow if we could." An intense affection for the British connexion, a love of British habits and customs, a respect for British sentiment, law, authority, order, civilization, and literature pre-eminently distinguish the inhabitants of this State, who, glorying in their descent from ancient families on the three islands, whose fortunes they still follow, and with whose members they maintain not infrequently familiar relations, regard with an aversion of which it is impossible to give an idea to one who has not seen its manifestations, the people of New England and the populations of the Northern States, whom they regard as tainted beyond cure by the venom of "Puritanism." Whatever may be the cause, this is the fact and the effect. "The State of South Carolina was," I am told, "founded by gentlemen." It was not established by witch-burning Puritans, by cruel, persecuting fanatics, who implanted in the North the standard of Tor-

[1] The London *Times*, May 28, 1861.

quemada, and breathed into the nostrils of their newly born colonies all the ferocity, bloodthirstiness, and rabid indulgence of the Inquisition. It is absolutely astounding to a stranger who aims at the preservation of a decent neutrality, to mark the violence of these opinions. "If that confounded ship had sunk with those —— Pilgrim Fathers on board," says one, "we never should have been driven to these extremities!" "We could have got on with the fanatics if they had been either Christians or gentlemen," says another; "for in the first case they would have acted with common charity; and in the second they would have fought when they insulted us; but there are neither Christians nor gentlemen among them!" "Anything on earth!" exclaims a third, "any freedom of government, any tyranny or despotism you will; but" — and here is an appeal more terrible than the adjuration of all the Gods — "nothing on earth shall ever induce us to submit to any union with the brutal, bigotted, blackguards of the New England States, who neither comprehend nor regard the feelings of gentlemen! Man, woman, and child, we 'll die first!" Imagine these and an infinite variety of similar sentiments uttered by courtly, well-educated men, who set great store on a nice observance of the usages of society, and who are only moved to extreme bitterness and anger when they speak of the North, and you will fail to conceive the intensity of the dislike of the South Carolinians for the Free States. There are national antipathies on our side of the Atlantic, which are tolerably strong and have been unfortunately pertinacious and long-lived. The hatred of the Italian for the Tedesco, of the Greek for the Turk, of the Turk for the Russ, is warm and fierce enough to satisfy the Prince of Darkness, not to speak of a few little pet aversions among allied powers, and the atoms of composite empires; but they are all mere indifference and neutrality of feeling compared to the animosity evinced by the "gentry" of South Carolina for the "rabble of the North."

The contests of Cavalier and Roundhead, of Vendean and Republican, even of Orangeman and Croppy, have been elegant joustings, regulated by the finest rules of chivalry, compared with those which North and South will carry on if their deeds support their words. "Immortal hate, the study of revenge" will actuate every blow, and never in the history of the world, perhaps, will go forth such a dreadful *væ victis* as that which may be heard before the fight has begun. There is nothing in all the dark caves of human passion so cruel and deadly as the hatred the South Carolinians profess for the Yankees. That hatred has been swelling for years till it is the very life blood of the State. It has set South Carolina to work steadily to organize her resources for the struggle which she

intended to provoke if it did not come in the course of time. "Incompatibility of temper" would have been sufficient ground for the divorce, and I am satisfied that there has been a deep-rooted design conceived, in some men's minds thirty years ago, and extended gradually year after year to others, to break away from the Union at the very first opportunity. The North is to South Carolina a corrupt and evil thing, to which for long years she has been bound by burning chains, while monopolists and manufacturers fed on her tender limbs. She has been bound in a Maxentian union to the object she loathes. New England is to her the incarnation of moral and political weakness and social corruption. It is the source of everything which South Carolina hates, and of the torrents of free thought and taxed manufactures, of Abolitionism and of Filibustering, which have flooded the land. Believe a Southern man as he believes himself, and you must regard New England and the kindred States as the birthplace of impurity of mind among men and of unchastity in women — the home of Free Love, of Fourierism, of infidelity, of Abolitionism, of false teachings in political economy, and in social life; a land saturated with the drippings of rotten philosophy, with the poisonous infections of a fanatic press; without honor or modesty; whose wisdom is paltry cunning, whose valour and manhood have been swallowed up in a corrupt, howling demagogy, and in the marts of a dishonest commerce. It is the merchants of New York who fit out ships for the slave trade, and carry it on in Yankee ships. It is the capital of the North which supports, and it is the Northern men who concoct and execute, the Filibustering expeditions which have brought discredit on the Slaveholding States. In the large cities people are corrupted by itinerant and ignorant lecturers — in the towns and in the country by an unprincipled press. The populations, indeed, know how to read and write, but they don't know how to think, and they are the easy victims of the wretched impostors on all the 'ologies and 'isms who swarm over the region, and subsist by lecturing on subjects which the innate vices of mankind induce them to accept with eagerness, while they assume the garb of philosophical abstractions to cover their nastiness, in deference to a contemptible and universal hypocrisy.

"Who fills the butchers' shops with large blue flies?" Assuredly the New England demon who has been persecuting the South till its intolerable cruelty and insolence force her, in a spasm of agony, to rend her chains asunder. The New Englander must have something to persecute, and as he has hunted down all his Indians, burnt all his witches, and persecuted all his opponents to the death, he invented Abolitionism as the sole resource left to him for the

gratification of his favorite passion. Next to this motive principle is his desire to make money dishonestly, trickily, meanly, and shabbily. He has acted on it in all his relations with the South, and has cheated and plundered her in all his dealings by villanous tariffs. If one objects that the South must have been a party to this, because her boast is that her statesmen have ruled the Government of the country, you are told that the South yielded out of pure good-nature. Now, however, she will have free trade, and will open the coasting trade to foreign nations, and shut out from it the hated Yankees, who so long monopolized and made their fortunes by it. Under all the varied burdens and miseries to which she was subjected, the South held fast to her sheet anchor. South Carolina was the mooring ground in which it found the surest hold. The doctrine of State Rights was her salvation, and the fiercer the storm raged against her — the more stoutly demagogy, immigrant preponderance, and the blasts of universal suffrage bore down on her, threatening to sweep away the vested interests of the South in her right to govern the States — the greater was her confidence and the more resolutely she held on her cable. The North attracted "hordes of ignorant Germans and Irish" and the scum of Europe, while the South repelled them. The industry, the capital of the North increased with enormous rapidity, under the influence of cheap labor and manufacturing ingenuity and enterprise, in the villages which swelled into towns, and the towns which became cities, under the unenvious eye of the South. She, on the contrary, toiled on slowly, clearing the forests, and draining swamps, to find new cotton-grounds and rice-fields, for the employment of her only industry and for the development of her only capital — "involuntary labour." The tide of immigration waxed stronger, and by degrees she saw the districts into which she claimed the right to introduce that capital closed against her, and occupied by free labor. The doctrine of the squatter "sovereignty" and the force of hostile tariffs, which placed a heavy duty on the very articles which the South most required, completed the measure of injuries to which she was subjected, and the spirit of discontent found vent in fiery debate, in personal insults, and in acrimonious speaking and writing, which increased in intensity in proportion as the Abolition movement and the contest between the Federal principle and State Rights, became more vehement. I am desirous of showing in a few words, for the information of English readers, how it is that the Confederacy which Europe knew simply as a political entity has succeeded in dividing itself. The Slave States held the doctrine, or say they did, that each State was independent as France or as England, but that for certain purposes they chose a common agent

to deal with foreign nations, and to impose taxes for the purpose of paying the expenses of the agency. We, it appears, talked of American citizens when there were no such beings at all. There were, indeed, citizens of the sovereign State of South Carolina, or of Georgia or Florida, who permitted themselves to pass under that designation, but it was merely as a matter of personal convenience. It will be difficult for Europeans to understand this doctrine, as nothing like it has been heard before, and no such Confederation of sovereign States has ever existed in any country in the world. The Northern men deny that it existed here, and claim for the Federal government powers not compatible with such assumptions. *They* have lived for the Union, they served it, they labored for and made money by it. A man as a New York man was nothing — as an American citizen he was a great deal. A South Carolinian objected to lose his identity in any description which included him and a "Yankee clockmaker" in the same category. The Union was against him; he remembered that he came from a race of English gentlemen who had been persecuted by the representatives — for he will not call them the ancestors — of the Puritans of New England, and he thought that they were animated by the same hostility to himself. He was proud of old names, and he felt pleasure in tracing his connexion with old families in the old country. His plantations were held by old charters, or had been in the hands of his fathers for several generations; and he delighted to remember that, when the Stuarts were banished from their throne and their country, the burgesses of South Carolina had solemnly elected the wandering Charles King of their State, and had offered him an asylum and a kingdom. The philosophical historian may exercise his ingenuity in conjecturing what would have been the result if the fugitive had carried his fortunes to Charleston.

South Carolina contains 34,000 square miles and a population of 720,000 inhabitants, of whom 385,000 are black slaves. In the old Rebellion it was distracted between revolutionary principles and the loyalist predilections, and at least one-half of the planters were faithful to George III, nor did they yield till Washington sent an army to support their antagonists and drove them from the colony.

In my next letter I shall give a brief account of a visit to some of the planters, and as far as it can be made consistent with the obligations which the rites and rights of hospitality impose on the guest as well as upon the host. These gentlemen are well-bred, courteous, and hospitable. A genuine aristocracy, they have time to cultivate their minds, to apply themselves to politics and the guidance of public affairs. They travel and read, love field sports, racing, shooting, hunting, and fishing, are bold horsemen, and good shots.

But, after all, the State is a modern Sparta — an aristocracy resting on a helotry, and with nothing else to rest upon. Although they profess (and, I believe, sincerely) to hold opinions in opposition to the opening of the slave trade, it is nevertheless true that the clause in the Constitution of the Confederate States which prohibited the importation of negroes was especially and energetically resisted by them, because, as they say, it seemed to be an admission that slavery was in itself an evil and a wrong. Their whole system rests on slavery and as such they defend it. They entertain very exaggerated ideas of the military strength of their little community, although one may do full justice to its military spirit. Out of their whole population they cannot reckon more than 60,000 adult men by any arithmetic, and as there are nearly 30,000 plantations which must be, according to law, superintended by white men, a considerable number of these adults cannot be spared from the State for service in the open field. The planters boast that they can raise their crops without any inconvenience by the labor of their negroes, and they seem confident that the negroes will work without superintendence. But the experiment is rather dangerous, and it will only be tried in the last extremity.

Mr. GREENOUGH contributes from his collection the following letter:

DONALD CAMPBELL TO JOHN HANCOCK.

HONORED SIR, — Altho it is natural for a person to remember those things that partains to himself, better than other Persons; yet having the Honor of Acquaintance since May 1775; at Kingsbridge and happy in escorting the Eastern Delegates to Congress, and Yourself as the prime Supporter of the Measures that happily ended in the Establishment of Our Independence; and being particularly honor'd at Philad'a in July 1775 by your kind attention, when I had not an expectation of being Honored by Congress, I was informed by Judge Mackean on Monday evening the 17th of July, 1775, that haveing been proposed and spoken of by Your Excellency in the House I was Unanimously Honored by Congress with being elected as Quarter Master General to General Schuylers Army; My particular thanks and Acknowledgement was then made to him for the Honor don me and that I should think myself happy in a Zealous Exertion, to support their partiality, and serve this My Country, to the best of my Abilities; But I wished to know what Rank was given to Me in the Army? as I wished not for a staff Department? tho formerly a Quarter Master to a British Reg't for above 5 Years on Actual and Active Service, at Louisbourg and Quebec with Gen'l

Wolfe, and some time did Duty as Quarter Master General, under Quarter Master General Irwine, with General Murray at Quebec and at New York in 1756 and 1757. To which I was replyed that thay had not thought of any Rank; But if I would attend Congress to morrow he doubted not but that would be settled agreeably; I observed, on the Question, what Rank I wished for? That I had not made up my Mind thereupon, as I expected some time before, a Regiment at New York; but having been offered or appointed a Major, to Col. McDougalls Reg't which I spurned at being myself a Commissioned Officer, on much service, and He, knowing nothing of Military Discipline confessedly; and then offered by Col. James Clinton to be his Lieu't Colonel; the *Pay* of the one, at *40 Dol*: and the other at *50 Dolars*, and which I communicated to my Friends on my arrival at Philad'a the beginning of July, intending no more than to pass a few days at Philad'a before I would join General Washington at Cambridge; Your Excellency by your partial Attention, justly meriting the first place in my Esteem from Gratitude; I had signifyed the above as well as the peculiarity of the Case that had impelled me to decline (by the Desire of, and Offers made, to the Convention of New York) the kind desire of General Washington and Gen'l Lee, at Kingsbridge, to accompany them in the Generals Family to Cambridge, in June, having been acquainted in Virginia in 1762 and with Gen'l Lee since 1755, they both approving of the principles: On Tuesday the 18th of July 1775, after Judge Mackean, had been on the Floor some time, the late Philip Livingston came out to me, in the Hall, in Waiting, and observed that I had reminded them that General Washington had not to their knowledge a Q.M.G. to his Army, and wished to know what I would accept of and the Rank that I expected or desired? Observing that he knew how tenatious we old British officers were of Rank: I then informed him and the Hon'ble House, that at the forming of A New Army the Adjutant General and Quarter Master General, were the two first Staff Officers in the Departments; that as my Brother Officer of the British Army Gen'l Gates had been by Congress honored with the Rank of a Brigadier General and Adjutant General; that I hoped for the *same Rank* and Q'r M'r Gen'l. But that as the case was circumstanced and that a Q:M:G. was not appointed to the Army under the Command of the Commander in Chief and he having wished me to attend him to Cambridge; I would accept of the Q: M: Gen'l to Gen'l Schuylers Army with the Rank of a Colonel in the Line; and that if Gen'l Washington had not appointed a Q. M. Gen'l that I should be thereto intitled, if the person acting or by him intended to be recommended for that station, did not accept; Mr. Livingston returned into the House and in a little time Mr. Thomson handed

me a Commission as Deputy Quarter Master General with the Rank of a Col'l in the Army of the United Colonies:[1] Afterwards I dwelt on the hope of being yet able to be under the Eye of the Commander in Chief with his Army as a Principle for which I was encouraged to hope that none should be put over me and to write to the General on that subject which I did about 25th July from New York; and Mr. Mifflin was appointed on the 5 Aug'st by Virtue of the Resolve of the 19th July. (Repairing immediately to Ticonderoga paying no attention to any Duty as Q.M.G. in the *New York* Department; with the Rank of a Colonel and whither D.Q.M.G. or Q.M.G. having no Supperior and as Chief with that Army, the Pay as Q'r Master General must accompany it as was then understood) the entry in the Journals of Congress of the 17, not altered and only a Line added that Mr. D. Campbell have the rank of a Colonel in the Army, the Whole being the Stipulation of the 18th of July 1775. Certain I am that I firmly relyed upon it that I was to all intents and Purposes Quarter Master General and Colonel in the Army, whersoever and when my supperior Officers should order me so to act; so Gen'l Montgomery understood and required Me to be Field Officer of the Day, on Courts Martial, Councils of War etc. and at the intended Storm of Quebec I was ordered to attend the same, not as Q.M.G. only, but as a Colonel next in Rank to himself, and the Command of that Army devolved on Me, by his Unfortunate Death, and which I enjoyed for a little time. There are higher Proofs of my Assertions that I made the aforesaid Stipulations, and that it was so well understood, that on the 23d Sept'r 1775, 9 Weeks thereafter, that a Plurality of Armies and Q:M:G. are fully and importantly declared in the said Resolve, when there certainly existed no other Army than that at Cambridge with Mr. Mifflin; and the other in Canada to which D: Campbell was Quarter Master General?

These facts which I will attest and pledge my Honor *as a Man* and an Officer for the Truth of, is the grounds of some Altercation and doubt between Congress and some of their Officers and Me at this Day and for 12 Years, not Receiveing a shilling! added to a Construction put upon the Resolve of Congress 13th Feb'ry 1777. by which I am declared to be continued in my former Pay and Rank: which I hope you may recollect was Passed on Gen'l Gates and Gen'l Schuyler reprobating the Judgement of the Gen'l Court Martial at Crown Point in July 1776, *Packed by Arnold*, and so charged in my Memorial 14th Oct'r 1776, with Lees Letter; But as Congress had unkindly anticipated the Criminality there alleged against

[1] He was appointed a deputy quarter master general for the New York Department "during the present campaign." *Journals of the Continental Congress* (Ford), II. 186.

Me, and had on the 12 Sept'r 1776 appointed Mr. Morgan Lewis to that Department; they upon Receiveing Gen'l Gates Disapprobation of the Court Martial on the 12. Jan'y 1777 and that He has in July last disolved the said (Packed) Court-Martial, and called an other for tryal of several then in Arrest, and myself taken out of Arrest and sent to Gen'l Washington with the proceedings (perhaps to make room for Mr. Lewis) and the critical situation of N. York the Gen'l on the 12 Aug'st sent me to Congress at Philad'a with his Letter; the Proceedings remaining undecided upon 'till Gen: Schuyler or Gen'l Gates approved or disapproved the same as it could not be a Sentence, 'till that was obtained. Gen'l Gates on 12th Jan'ry 1777 declaring the Proceedings severe, irregular and unprecedented and that I did not deserve such a Judgement, and that I was wanted in the Department where my presence was wished for, and that I had been very Ill used as by Gen'l Schuylers Letter as appears by the Gen'ls Letters Certified by Your Excellency at Baltimore; Congress, willing to continue Col. Lewis and appointing many more under him in a Necessary Department, and large Commissions allowed of perhapse thought too Valuable for D:C: who should on the Acquital and Acceptance of Gen'l Gates's Disapprobation, have been sent to the station he was in before the Arrest: But it was thought and suggested in Congress that I should be put on the Half Pay as a Q.M.G. when it was observed that as they had engaged to indemnify Col. Gridly, Col. Hazen and Gen'l Lee as being British Half Pay Officers entering into the American Service, they were in Honor bound to give me what had been stipulated for by others when I was also a British Half Pay Officer altho from my Zeal I had not made Conditions, and I haveing also declared that I would not serve under Juniors in the Continental Army, who had been promoted, particularly Arnold who was made a Col. in Sept'r and a Brigadier in Jan'ry folowing; it was Moved for in Congress in Consideration as for half Pay as Q'r M'r Gen'l and half pay Indemnification as a British Officer and his Zeal for the Service and Cause of America very early Manifested, it was Resolved, "That Col. Donald Campbell be Continued in his former Pay and Rank," not placeing Me under the Orders of the Commander in Chief, or Secretary at War; but subject to such Orders, as Congress Only, should in future think Just, and held in the Original Rank of a Col. in the Army and Pay as Q'r Master General at 80 Dolars per Month, 6 Rations of Subsistence and 2 Rations of Forage and that bona fide and clearly from the Justice and Liberality that pervaded the Acts of Congress during the War and while the Country that You Sir very early sacrificed Your Health and Fortune to save, it, and a People, happy in having such a true Supporter at their Head to

guide their Councils could never totally Discard or Manifestly ill use a Zealous Servant! and clearly by the aforesaid Deduction of the Truth and the Letter and Spirit of the Resolve of the 30th Sept'r 1783, viz't "that the Sec'ry at War issue to all officers in the Army, under the rank of Major Generals, who hold the same rank now that they held in the Year 1777, a Brevet Commission, one grade higher than their Present rank, having respect to their Seniority;" Applying to me as being within a Liberal and Just Construction thereof; and have for some time hoped to have been Honored, (altho an empty feather without any Emolument) with a Brevet as Brigadier General to be transmitted to me by the Sec'ry at War as being my Just right I shall persist in Claiming it, and was supposed and believed, by Gen'l Washington, when possession was taken of New York.

Having been this Prolix, which I hope will be pardoned, it arriseing in part from a Wish fully to Explain the true principles and grounds of my Claims; and an other Cause, painfull to remember, by the Injury received in my Education etc. through the base Violation of the public faith of the Servants of the British Government in this Province, that ruined my Family and sunk an Easy Fortune when We had a flatering prospect, and the Province thereby much benefitted: a Briefe State of the treatment will be found in page 179 and 180. of Mr. Will'm Smiths *History of New York* published in 1757. In hopes of refreshing Your recollection on the different heads as my patron Introduceing me into the Army of this Country in British Regimentals and takeing the Tented field with my Zealous Countrymen, no Ways altered in my Principles and opposition to Arbitrary Claims on America, since and before the war of 1756, and asserting the right of this Country as the Descendents of Britons, contending for their Libertys: and Burying the Hatchet with every person who will do so with Me, since their Own King signed Our Independence.

I must presume to request a Line from You Dear Sir in support of the foregoing facts and principles; to me Clear and in the full Spirit and Just Construction have conducted myself, and am assured the Idea of some at this Day of Allowing me 40 Dollars per Month is little better than filching from an individual, to put into the pockets of three Million of People, a Barley Corn, or the Value of a grain of Rice, and is a sum to the individual! and will not exceed 25 or 26 Dol. per month more than my Half Pay amounted to; and my Zeal and Attachment at that early day would not be thought of or even offered to be rewarded by it, by those who know me and Honored me with their approbation and support: It will seem strange that to this day I have never received a Shilling of pay, Subsist-

ance or but little Forage and was necessitated to leave 5000 Dollars of the Liquidated Ballance of the Contingent Expences of 1775 and 1776 still due with its Interest since 1781 Accounting at the hour of being laid aside in July 1776 for every Shilling of Congritional Money or property that ever I had Rec'd or Could be charged with! and Exhausting my own Resourscess in my Support this 12 Years!!

I am Dear Sir, with sinceare Wishes for the perfect Establishment of your Health and Continuance of Life to You for the Happiness of the People and Land over which you are again and again justly called upon and Ellected to Administer the Blessing of an upright Chief Magistrate in a Land of Liberty; where may every Blessing and felicity attend You for a Long time to come; and hereafter the Fruition of that happy Life, with my best respects to Your Lady, You will believe me to be with Gratitude, Dear Sir, Your Respectfull and Most Obedient and very Humble Servant,

DONALD CAMPBELL.

NEW YORK, 6 May 1787.

The EDITOR offers the following selection of letters from a gift made by Dr. Loring W. Puffer, of Brockton. It relates chiefly to the Presidential election of 1828.

ELIJAH HOWARD, JR.[1] & CO. TO FRANCIS BAYLIES.

EASTON, December 24th, 1821.

SIR, — Your favor of the 8th Inst. came duly to hand. Respecting the question of the propos'd new tariff, we confess we have never entertain'd so sanguine expectations that the course pray'd for by the manufacturers would result in substantially promoting their interest to the extent that many have profess'd to believe it would do. Under the existing tariff the manufacturers have been able to engross nearly or quite all the domestic trade in the coarse or common description of cotton goods to the exclusion of foreign competition, and they are not *now* doing it at a loss to themselves, their manufactures affording them a fair profit. In fact we very much doubt whether it would be for the best interest of the manufacturers to have their business better than it now is. It has always been our belief that it would be best for the manufacturers to get along with as little protection from the government as they possibly could do and live, for two reasons: first, they would then be under the less obligation to Government (and we desire to lay ourselves under as few obligations to any men or body of men as

[1] See Chaffin, *History of Easton*, 638.

possible); second, the fewer artificial supports the manufacturing Interest has the more stable and permanent will be its foundation, and the protection afforded by Congress we consider at best precarious. The question then is, whether the manufacturers can live under the existing tariff? For ourselves we do believe they can not only live but thrive under it. When we carry our goods to market the purchasers do not say, "we can buy British or India goods cheaper than you offer yours;" the only difficulty we meet with is, they tell us, "your neighbor will sell his goods at a less price than you ask." Now as long as this is the case what benefit will accrue to us by having the duty on imported cotton goods rais'd to 75 per cent? At any rate we do not wish to have it done on the principle of making us debtors to Government in consideration of their doing it. On the contrary we should rather have the duty on imported cotton goods diminished, than to have them rais'd and a duty or tax impos'd on domestic manufactures.

In making the foregoing remarks we have reference particularly to the common descriptions of cotton goods. Of the woolen manufacture we are ignorant, but we conceive the same principles must apply in a certain degree to manufactures of every description. We have no doubt but this will be a manufacturing country, and that the manufacturing so far from being in opposition to the agricultural and commercial Interests [must] be made conducive to both; but it undoubtedly requires nice calculations to give to each the just and proper weight and influence required to promote the greatest good of the whole. You, Sir, are plac'd in a situation to take a view of the whole which will enable you to form a more correct opinion than we can possibly do. We ask no exclusive favors; all we ask is to have the tariff so adjusted as to give to each of the great interests of the Country its just due and no more.

We are sir with much respect and esteem yours, etc.

ELIJAH HOWARD JR. & CO.

WILLIAM COLEMAN[1] TO FRANCIS BAYLIES.

NEW YORK, June 2d, 1828.

DEAR SIR, — By permission of our mutual friend, General Wool, when he was here lately on his way to Massachusetts, I presume to address a few words to you on a subject equally interesting to us both in common with every honest and intelligent friend of this country. Judging from uniform report, I am strongly inclined to

[1] William Coleman (1766–1829) was born in Boston, Mass., but removed to New York about 1794, became associated with Hamilton, and was long editor of the *Evening Post*.

believe, vanity apart, that there is less difference of opinion between you and me as to public men and public measures for more than thirty years past, than between many others who profess to think alike on the same subjects. But to descend to particulars showing why I have formed this conclusion, is not necessary at this time and would lead me into too extensive a field. I therefore defer it for the present, taking it for granted that the conclusion is not erroneous. And if not I entertain the hope and belief that extensive and permanent good may, in the present critical state of public affairs, result from some further efforts of the same "ever-pointed" pen that produced the essays which appeared not long since in the Albany *Argus* entitled "The Military Chieftain, or The Contrast." [1] Although extensively republished, they have not been as much so, as they ought to have been considering their intrinsic merit and their powerful tendency to disabuse public opinion, and strip the visor off of the countenance of imposture and hypocrisy. But I am very glad to see by the papers published in different and distant parts of the United States that they are still acquiring a wider circulation throughout the country. And the circumstance of affixing to them a distinctive appellation as was done with the approbation of your friend, General Wool, will prove fortunate by immediately attracting public attention to whatever may appear under the same signature. Lucius Junius, whenever he appears, will be known at a glance, and perused with eagerness.

This same friend informed me last autumn that you had on hand a parcel of manuscript devoted to a subject well worthy of the best exertion of your pen, and which in good time would appear; that he had seen and read it and that it was in his judgment no way inferior to the Military Chieftain in any respect either as regards manner or matter. If so, then permit me to ask if the time is not already arrived when it should be given to [the] world without farther delay? This question brings me at once to the main purpose of this letter, namely, to ask whether the *Evening Post* may not have the distinguished honor of standing god-father to the bantling? But in soliciting this favor, however much the granting it would gratify my pride, yet, if, for any reason satisfactory to yourself, you should deem it more expedient that it should meet the public eye through some other medium, let me not be supposed to entertain a wish at variance with your own; I will republish it the first moment it offers itself to my view. But, whatever may be your decision as to the place of its first appearance, nothing in my opinion will more effectually tend to keep undiminished that popularity

[1] See *Proceedings*, xlv. 177.

which its signature has acquired and which it is so desireable it should preserve, as to hold with tenacious grasp the veil of impenatrable secrecy over the author. For such purpose I endeavored, when I republished the first numbers of the Military Chieftain from the *Argus* to throw an cloud of mystery over even the quarter whence they originated, and the same *pia fraus* I shall continue to practice, for the same purpose.

Since I find myself writing to you, I beg leave to say your Jackson editors are quite remiss in permitting to pass without contradiction or explanation the deceptive inference the Adams prints have been left to draw from the returns of the poll at the late Boston election, where the Adams votes outnumbered their opponents thousands to hundreds. Could not some leading Jacksonian paper inform those at a distance, that they did not on this occasion even attempt a rally; for I take it such was the fact. Abroad it may do some mischief and probably will. Your Boston *Statesman* contains occasionally some well written articles, but I think the editor, whom I never knew, wants liberality towards the federalists, and this cramps his columns.

Have you by any accident come across the editorial article which appeared in the *Evening Post* about a fortnight since on the subject of Governor Giles's last letter respecting the villainy of J. Q. Adams in accusing the purest men in the nation of plotting high treason against the Union? Tell me, if you have, whether you think I have spoken of his conduct on that occasion and of his character, in terms of unwarrantable acrimony? I hope you will not be of opinion that I have, for I feel inclined to push him much farther when I shall take up the Webster letter, as I mean to do shortly. I think him not only dishonest and profligate in his political course, but one of the most execrable of villains in his morals; nothing but opportunity and personal boldness is wanting to make him a Caligula or a Nero; and many of the most intelligent and respectable men think of him as I do, and as I deem it my solemn duty to expose him to the eyes of the world. Will you not lend your aid in this conscientious effort to do him justice? Come forth then without further delay in such style as you may think befitting the occasion and the subject.

When you write in answer it will be prudent to enclose it to Mr. Verplanck, and to take the further precaution of marking "Private" on the corner of the letter, in order to prevent its being opened by some of my partners.

Your's most respectfully,

WM. COLEMAN.

GULIAN C. VERPLANCK TO FRANCIS BAYLIES.

NEW YORK, June 3d, 1828.

MY DEAR SIR, — Coleman of the *Evening Post*, who knows you well at second hand through Wool and myself, is desirous of a more direct acquaintance and requests me to forward to you the enclosed letter. By the aid of Bryant the *Post* has again taken a high stand, and has been this winter and will continue to be the best paper in the country.[1] Coleman has lost the use of his legs and from confinement at home is sometimes behind the temper and tone of the day, but his mind when roused and put on its old track, is I think as vigorous as ever. He will be gratified by a speedy answer.

You have doubtless seen the Adams address which appeared in duplicate in Gales[2] and Peter Force[3] and was intended to keep up the spirits and hopes of the party. It was written by Webster, as you will perceive if you read it critically. I think it betrays the secret fears of the administration more than it can excite the hopes of their friends. Here all looks well. In the city we have I believe continued to gain in spite of all the magniloquence of the pink and the sneaking slanders of his correspondent. From all parts of the state our information is cheering. The Morgan excitement is giving way partly to reason, partly to a reaction of honest indignation. We hope now to carry even the double district composed of what was once the old county of Ontario (Marvin's district). Van Buren must I think be our governor. He does not wish it, in itself, for he has a hankering after Washington. But he cannot refuse the nomination and in the judgement of his best friends, the office of Governor of the great state is the safest road to all that his ambition may bid look to hereafter.

In Kentucky we shall have a tremendous fight. Clay's men Letcher, Metcalf, Clark and Buckner[4] are as you know able and indefatigable and I am sorry to say that our new men were poor sticks. But then Tom Moore is a host.[5] I always thought highly of him, but this winter he discovered talents of the highest order for political warfare. Able as a political writer for popular effect, infallible in his judgment of character, bold, sagacious and indefatigable he wanted nothing but the power of popular eloquence to be one of the first men of the West. Even in that he is not

[1] Bryant had only recently become editor of the *Evening Post*.

[2] *National Intelligencer*.

[3] *National Journal*. The address is in the *Independent Chronicle and Boston Patriot*, June 7, 1828.

[4] Alexander Buckner of Missouri?

[5] Thomas Patrick Moore, of Virginia.

totally deficient, for he can on occasion speak competently well for ordinary purposes. He has staked himself upon carrying Kentucky and is full of hope. It is not to be denied however that in the August election for Governor Clay has one advantage. Though Barry is the superior man, there is still some little feeling of the old state parties which may every here and there deprive him of some otherwise Jacksonian votes. Metcalf, on the other hand can carry the whole Adams vote, and his party hope something more. If then Barry is elected, the state is safe for Jackson by a great majority.

Your successor Hodges[1] has gradually warmed up to red heat, he cannot talk as to the prospects of the election without losing his temper, which by the way is very common with all the knowing men of that side; [they] talk big and get angry when you doubt the utter prostration of your own party, especially if you can do it with a calm indifferent air.

The army is still in hot water. Scott is said to assert his right to command Macomb and to talk about disobeying orders and trying the question. A piece in the *Richmond Enquirer* personally offensive to Macomb is also attributed to him. Our administration has certainly a great talent for throwing every thing into confusion. Let me hear from you how New England takes the tariff, etc.

Believe me yours truly,

G. C. Verplanck.

Jeromus Johnson to Francis Baylies.

New York, 1st Nov'r, 1828.

My Dear Sir, — We have planted our hickory trees in our different wards, and yesterday erected one in front of old Tammany and moistened the clay (not Kentucky clay) with plenty of fine old Jackson ale. The crowd was great during the ceremony, and in the evening the Hall was filld to overflowing to hear the report of the nominating Committee. As Noah[2] says and I believe truly, a very feeble effort was made by the editor of the *Courier* and a few others to disturb the harmony of the meeting; but they were quickly put down, and Mr. Webb[3] out of the Hall; the resolutions were then put and pass'd, and the nomination as before the public agreed to by the meeting. Our hopes are elevated at the prospects before us, and brighter hours will come.

I do not recollect the conversation between you and our friend Storrs[4] in Mr. Coyle's dineing room, but I well remember his

[1] James L. Hodges.
[2] Mordecai Manasseh Noah.
[3] James Watson Webb.
[4] Henry R. Storrs of New York.

favourite ditty — "The Camels are comeing, the Camels are comeing, hi ho, he ho." Never was there a truer prediction uttered in this world than the above; and I expect when we meet again at the Capitol his tune will be chang'd, and all those who helped out the chorus with him, to, "Jackson is comeing, the Capital is taken; Jackson is comeing, hi ho, he ho."

My colleagues Cambreleng and Verplanck will have a strong opposition, on the auction question. the anti-Auction Committee are very hostile, and have placed at the head of their ticket, David B. Ogden and Thomas C. Taylor, who are also run on the Adams ticket: however I am inclined to think the regulars will carry the day, the rest of the ticket will succeed by a large majority, to wit: the Governor and Lieut. Governor, Electors and members of our State Legislature. All the division in the Jackson ranks has grown out of local causes, the party on the main question are united.

Should be pleased to see you at Washington the last of the Session, particularly on the 4th of March to witness the scenes of that day. I hope Mr. Adams will be present, and not follow the fool steps of his father. Respects to your family. I am happy to say mine enjoy their usual health.

Yours truly,

JEROMUS JOHNSON.[1]

New York will return 26 Electoral votes.

JOHN MCKEE TO FRANCIS BAYLIES.

WASHINGTON, Nov. 17th, 1828.

DEAR SIR, — I received your friendly letter of May last not long before I set out for home and in the bustle of preparation for my journey I neglected to answer it. And lately I have deferred it till I could say with certainty that Jackson is elected President. The Ebonyites are routed to the West, Horse foot and Dragoons, Cossacs, Tartars and Mamalukes. Brent [2] says they could have borne a moderate beating, but this is such a damnable expression of the public will that there is no denying or resisting it. I saw the old General as I came on, he was in high health and spirits.

It would do you good to see the change in some countenances that last winter were bright with the hope of success now as long as my arm. There are some half dozen members of Congress in the city, most of them have been here during the Summer. When we meet I will endeavor to muster industry enough to atone for

[1] Member of Congress from the city of New York.
[2] William L. Brent, member of Congress from Maryland.

my past neglect, unless you should follow the wild geese, and give me and your friends here the pleasure of taking you by the hand.

Present my respects to Mrs. B.

Dear Sir, Your friend,

JOHN MCKEE.[1]

JOHN E. WOOL TO FRANCIS BAYLIES.

WASHINGTON CITY, 7th December, 1828.

MY DEAR BAYLIES, — Speculations on the subject of the next Cabinet are as plenty as pigeons after harvest. As to who will compose the next Cabinet no person but Jackson at this time can tell. It is thought, however, by many that Van Buren will be offered the appointment of Secretary of State. This opinion I believe is prevalent among the Western members. The members of South Carolina, North Carolina, and part of those from Virginia, will no doubt oppose his appointment. I can have no objections to his appointment, but I have great objections to the course adopted by his friends in bringing forward Woodbury to the exclusion of yourself as the most prominent man in the East. Aside from this you have the West and South in your favour for any appointment you would desire. McKee told me this morning if he knew Jackson, and he thought he did, he would give you any thing your friends would suggest. His own opinion, however, was, unless you were rich, that the best appointment for you would be the Collectorship of Boston, which he had no doubt would be given to you if you would take it. As I have before said to know how to act for you, your friends must know what you would wish. Let your Boston friends manage for themselves, and you take care of yourself. I would not do any thing to offend their feelings, nor would I permit them to appropriate all the offices to their benefit, which you can control at Washington without doubt, and without their knowledge. Woodbury will not be taken from the Senate. The struggle for the Cabinet will be between Calhoun and Van Buren. Both will contend for the appointment of their friends, and I trust both will fail. Jackson will make a Cabinet of his own, without reference to the interest of either. An effort, however, will be made to disappoint both, and Jackson will be urged not (at this time) to decline a re-election. His friends in Tennessee say he must continue eight years, and whoever goes into his Cabinet, must go with the expectation that he is to be re-elected. To conclude this subject, I have only

[1] Member of Congress from Alabama. The reply to this letter is in *Proceedings*, XLV. 167, where the person to whom it was addressed could not be identified.

to observe that all your friends say you must be at Washington before the 4th March next. I say so too.

It is reported that Clay intends to go to Kentucky and prepare for the next campaign. He will declare himself a candidate for the Presidency and commence operations immediately. He dined yesterday with the Secretary at War.[1] The Tariff, in other words the American System, was the topick of conversation, when Gallatin, who was present, remarked that he thought they had carried the system already too far. Clay replied, that "any opinion of his on that subject," and I believe he added, "or any other," "would never influence him or change his opinion." This was the substance of the reply if not his words, so I was informed by Governor Cass. But as Cass represented the conversation there was more in the manner of Clay than in his words, and it produced such an effect upon G[allatin] that he did not speak again for half an hour or more. Clay's friends do not spare Mr. Adams. They curse him on all occasions, and without mercy. I pity Adams; he is indeed to be pitied, for no man was ever surrounded by such friends. They are ungrateful in the extreme. Clay undoubtedly controled almost every appointment from the highest to the lowest. Mr. Adams may say with propriety and truth, "save me from my friends," for he has more to fear from them than his enemies. Mr. Adams will not leave Washington. He has taken Commodore Porter's house and intends to make this his future residence.

Present me to Mrs. B. and M., and believe me, devotedly yours,

John E. Wool.

P. S. I shall leave the city in the course of the week for the South. Let your next be directed to Charleston, South Carolina. I shall be absent from six to eight weeks. I shall expect to meet you in the Great City on my return.

W.

Francis Baylies to ——.

[April, 1829.]

My dear Sir, — I think the outset of the present Administration has been injudicious. It was the fond hope of the disinterested and elevated portion of the Jackson party that he would have brought the highest talent of his party (at least) into the service of the nation, that it would be impossible to make him the dupe of petty intriguers and minor politicians, and that his course would be independent and lofty.

Had the disposition of the high offices been left to me, with an

[1] Peter B. Porter.

injunction to take the whole from the Jackson party, this would have been my selection. Littleton W. Taswell [Tazewell], Secretary of State. My reasons are these:

Mr. Taswell has applied himself with much assiduity to the study of national law and the relations of trade. His extensive practice in the U. S. courts, and even his office as a Commissioner on Spanish Claims, had given him that kind of knowledge most useful in the Department of State. For all the questions which now come into that Department requiring foreign negotiation, with the exception of disputed boundaries, are questions touching trade, and in time of European wars, the rights of neutrals, and those rights for the most part involving such questions alone, as blockades, restrictions, interdictions, etc. He is also well versed in what may be called the domestic business of his office such as the law of patents, etc., and from living in a commercial place, he certainly possesses more knowledge respecting suitable persons to fill consulates, etc., than Mr. Van Buren. I should doubt him most in selecting foreign ministers, and should fear that he could not find much capacity for such stations out of old Virginia, and that he would not sufficiently discriminate between a Virginian of the metaphysical school and a strong clear headed practical man of business; but yet under all the circumstances and after rejecting local influences, and state pride, and state intrigues, regarding only the great interests of the country, my preference was decidedly for him.

I would have selected Mr. Cheves [1] for Secretary of the Treasury and for these reasons:

1st. His standing in the nation is a[s] high as that of any one, having held what I think the second place, viz. Speaker of the H. R.

2d. His great integrity evidenced by his fearless conduct in exposing the frauds practiced in the U. S. Bank, without regard to high names and political influence.

3d. His acquaintance with finance which must practically be very great, having been for several years President of the U. S. Bank, where as much financial skill is required as is now required in managing the Treasury Department.

4th. The general confidence of the Nation in his integrity, which in difficult times would give him a commanding influence over the capitalists of the Nation.

The War Department I would have placed in the hands of Colonel Drayton,[2] because he is a practical military man; because his talents are far above the tame mediocrity of Major Eaton; because his industry is great; because he is a most accomplished gentleman, and has learned his notions in the school of chivalry which would always

[1] Langdon Cheves.

[2] William Drayton.

render him an acceptable umpire in the fierce disputes of fiery but honorable men, and many such are in our army; and because General Jackson would have been consistent with himself, he having recommended Colonel Drayton in the strongest terms for the same office to Colonel Monroe.[1]

To Mr. Van Buren I should have given the Navy, and for this reason. In the first place there are no state papers to compose, and in the second place there is but little to do. The character of V. B. is totally misunderstood; he is thought to be a restless and persevering man, whose industry has no bounds, but it is not so. Mr. V. B. is an indolent man and the strong stimulus of ambition will hardly compel him to exertion. It requires an effort to bring him forth, but yet he is shrewd and sagacious and, let others furnish him the materials on which his opinions are to be founded, he would generally be right. Those would be furnished by the Commissioners and then Mr. Van Buren would seldom err. The State Department to him will be a place of torment; and now mark my prediction, instead of illustrating himself in his office if the least difficulty occurs, he sinks in public estimation, and when he begins to fall he falls forever. I hope I am mistaken, for personally I have more regard for him than either of the others, and would as soon see him elevated as any man in the nation. And I even fear my own prophecy, for I am beginning to wonder at the verification of my predictions; but in the Navy Department he would grow in the public estimation until perhaps by great and severe study, if he was ambitious, he might thoroughly prepare himself for a higher place. I have strong fears. I hope he will sustain himself but I cannot help doubting.

The office of Attorney General has been bestowed on the right man,[2] a man in my opinion of fine talents and gentlemanly bearing. If he would discard some of his chains and trinkets, I should like him better; but he is certainly competent to his place and will sustain himself with honour. A fine speaker and a sound lawyer, I know nothing to be urged against this appointment.

The Post Office is certainly a more proper place for Mr. Ingham than the Treasury. I know him well, he is a dull, plodding, sensible man, without one particle of genius, but accurate in detail; and of unwearied industry, systematic and methodical, he would with the advantage of exact system established by Judge McLean have managed the Department excellently well, better, far better, I think, than Mr. Barry, a man of genius and eloquence, but without management or system, embarrassed in his circumstances, loose in

[1] Parton, *Life of Andrew Jackson*, II. 358.
[2] John M. Berrien.

his mode of business, well fitted for higher stations, but having certainly but few recommendations for this.

And now with respect to the foreign ministers. As Mr. Taswell has not received the State Department, he is certainly the best selection I think that could be made for England, and that for reasons which I have already given. Although eccentric both in appearance and manners, he is certainly a finished gentleman, and John Bull you know delights in originality. Had Mr. Taswell been placed in the Department of State, I would have sent Louis McLane to England.[1] His talents certainly are of a high order. In the H. of R. no man could compete so successfully with Webster as Mr. McLane. He is well acquainted with national Law, as his Panama speech amply testifies. He is correct, conciliating and spirited; he would give no insult, and he would receive none. Moreover he is a Federalist, and that is a circumstance in his favor. In the settlement of our difficulties with G. B. much depends on good will, and you well know that the Federalists labour under the stigma of British partialities. Therefore the presumption is that his political character at home would do him no discredit at the British Court. The policy of his selection would be somewhat similar to that of Washington when he selected James Monroe for France, not because he was a supporter of his administration, but because he belonged to a party which cherished strong partiality for France.

To France I would have sent Colonel Hayne[2] of S. C. His real talent, spirit, vivacity, courteous manners and fortune, would make him as proper a representative of the American Republic at that court as any man in America; and in all the requisites of a minister there he is in my opinion far superior to Mr. Baldwin,[3] and yet Mr. Baldwin might do very well in Spain to which court I would have sent him and not to France.[4]

Mr. Rives,[5] whom I think as the second only to Taswell in Virginia, I would have sent to Russia; at that court with his beautiful wife he would have done credit to his country and fully sustained the American name.[6]

To Holland I would have sent a New York Dutchman say Cam-

[1] McLane received the appointment, and was minister from April 18, 1829, to June 17, 1831.

[2] Robert Young Hayne.

[3] Henry Baldwin, of Pennsylvania.

[4] The French mission went to William C. Rives, and Cornelius P. Van Ness received the Spanish appointment.

[5] William Cabell Rives.

[6] The Russian mission was retained by Henry Middleton, until September, 1830, when John Randolph Clay became chargé. John Randolph had been appointed May 26, 1830.

breleng or Verplanck. The first certainly has much commercial knowledge, and our relations with the Dutch at present are altogether commercial and very slightly political. As a commercial minister Cambreleng is to be preferred; as a politician Verplanck; besides the latter has the advantage of being a fine scholar, and at Brussells he would meet many influential men of the court to whom his scholarship would have recommended him.[1]

As to the Spanish American nations the selection of Colonel Benton for Mexico is unquestionably judicious. He is the very man to go there, his knowledge of the Spanish language, the commercial connections already growing up between Mexico and the States contiguous on the west bank of the Mississippi, and his thorough acquaintance with those interests, his great industry and his strong attachment to the studies of nature, would lead him to make many investigations into the capabilities and productions of the Mexican Republic, the mines, etc., and the facilities for trade, which prove of great service to our nation.[2]

Instead of Tom Moore, who is certainly not fitted for any higher station than that of a chargé to Guatamala, or Peru, I would have sent Major Barry.[3] In those wild countries an irregular genius like his might produce far greater effect than a mind coldly correct, and fashioned on the pedantic model of European diplomacy. Revolutions will often occur there which will derange the system of a mere statesman by rule, and give scope to the exertions of minds which, without any touch of discipline, can profit by a crisis which would be neglected by one who, bred in the school of form and fashioned by books, could never be made to understand the motives of those who are still halting on the verge of civilization and regular government.

Thus you see, Sir, [for] these high offices I would have taken most of those whom Jackson has taken; but I think he has misplaced them and that is the difficulty.

He has taken,

Van Buren Berrien Ingham Barry Baldwin Benton, and Taswell.	I would also have taken them but I would with the exception of Berrien and Benton have arranged them differently.

[1] It went to William P. Preble.

[2] Joel R. Poinsett, appointed in 1825, remained in office until December 25, 1829. Anthony Butler, of Mississippi, was chargé from 1829 to 1836.

[3] Moore had been appointed minister to United States of Colombia.

He has taken,	instead I would have taken,
Eaton	Cheves
Branch	Drayton
Floyd	Louis McLane
Woodbury	Rives
T. P. Moore	Cambreleng and Hayne

And I think there can be no comparison as to talent and worth between those whom he has taken, and those whom he has omitted to take. Eaton and Branch are two of the most inferior men in the Senate, and that station is far above their grade of talent and they certainly gain nothing by being placed in comparison with Cheves and Drayton. Floyd, Woodbury and Moore, are not to be named on the same day with L. McLane, Rives, Cambreleng and Hayne.

Eaton and Branch I should have left to their senatorial labours. Floyd should have been governor of Florida, with the reversion of Oregon. Woodbury would do for a chargé to Sweden, and Moore for a chargé to Guatemala.

If Verplanck had been sent to Holland, I would have sent Cambreleng to Buenos Ayres, with the rank of minister if necessary.

I would endeavour to revive our commercial relations with Portugal. The trade with Portugal was once the best trade we had. To that Court I would send William Hunter of Rhode Island.

We have heavy claims on Naples; thither would I send Major Hamilton of South Carolina.[1]

Our claims on France demand a special commission of three, one of whom should have been my minister, Colonel Hayne; the others, the Hon. James Lloyd, because he is a thorough Merchant and understands the subject, and the other [*unfinished.*]

Our Northwest boundary requires a special Commissioner to Great Britain. That boundary must be settled, or we must have war, or we must give up. It is worth an effort. Does any one understand that subject better than myself?

To Rio I would send George Dallas of Philadelphia.

To Peru, I would send [*unfinished.*]

John E. Wool to Francis Baylies.

Nassau, N. Y., 10th Nov., 1829.

My friend Baylies, — I call you my friend. You must know I was thrown upon the world at 12 years of age without fortune or friends. From that time until the present I have been my own master. At fourteen I formed an acquaintance with R. M—— [2]

[1] James Hamilton. [2] Moncton? Wool married Sarah Moncton.

which ripened into mutual esteem and friendship. He was a person of wit, great reading and full of anecdote. Besides, he was honest, and of all the men I ever knew he was the most free from meanness and illiberality. In short he was a man of noble character and of noble feelings. My leisure moments were passed in his society, and I can say with truth I never left him but with regret. If I am indebted to any mortal being for my present standing in society it is to my early and first friend, for it was he that first animated me with hope and incited my desires. He first made the impression, which roused my energies, and stimulated me to exertion. When his generous and noble spirit took its flight to another world I could have said with as much truth as a celebrated ancient did that I had lost my second self, for I lost the man into whose heart I could commit my own with perfect confidence and security. Many years passed away before I could become reconciled to the loss of my friend, and then it was only after I had formed an acquaintance with yourself, whose society I have enjoyed more than any other individual since the death of him to whom I have alluded. Let me then consider you as my friend, for I am most certainly yours. If you agree to my proposition, write me and write me often, for your letters delight and instruct me.

Present me most kindly to Mrs. Baylies and Miss Harriet, as well as Mrs. Wool, who sends her love to you, and accept the assurance that I am yours most truly. Write to me at Richmond.

John E. Wool.

P. S. We have not heard a word from you since we left Taunton. I shall leave this on Friday with General Gansevort [1] and Croswell [2] for Richmond. We shall stop one day in New York and one day in Washington on our way. Mrs. Wool says you must write to her. Address your letter to me.

John E. Wool to Francis Baylies.

Baltimore, 8 December, 1829.

My dear Baylies, — You will observe that I have left Washington. In my last I closed my letter before I had finished my story in consequence of two gentlemen calling unexpected to see me. I said I had doubts whether the Administration would consent to my making a *tour of inspection in Europe*. I have since been told that all are in favour of it, and, especially, as they think it would be gratifying to you. This is all very well, and if true is much better than I had apprehended. I have also been told that the

[1] Peter Gansevoort. [2] Edwin Croswell.

President has not only a very *high opinion of me*, but considers *me an honour to the service*. I have seen many of your friends who have all enquired after you, and regret very much that you should have been treated so badly by the administration. Among others I saw Judge Smith, who desired me to present his respects to you, and "to say that in declining the office offered to you, you had conducted as he anticipated and for which you have his thanks. He further said that it was a contemptible offer and one which the administration ought to have been ashamed of."

Before the present session is at end you will, if I do not greatly mistake, see trouble in the camp. New parties will be formed in the Jackson ranks. Calhoun will endeavor to bring out his friends, and to give a tone to public opinion. McClean will do the same. The Secretary of State by his address, and attentions to *Madame* [Eaton], Barry and the President, will undoubtedly give Calhoun and McClean [McLane] much trouble, and at the same time create much uneasiness among their friends. I assure you the little fellow is managing with great address, and making friends on all sides.

I have read the President's message and in general I think well of it. But he has touched on several subjects which undoubtedly will produce much interest if not excitement. It is said that his remarks on the subject of the United States Bank has already lessened the price of the stock. I think he has got over the tariff remarkably well. I am opposed to all amendments to the constitution, except limiting the election of President to one term. As to the distribution of the surplus funds of the United States as proposed, I think it would be serious to the Government. In five years after the distribution should take place almost every member of the House of representatives would be elected with reference to an increase of that fund. We should pull down army, navy, and indeed all the institutions of the country, in order to increase the fund. It will never do. It will be the first step in the destruction of our republican Government.

Present me most kindly to Mrs. and Miss Baylies, and accept for yourself all you could wish.

W.

P. S. Give me your opinion of the message and particularly that part which alludes to the United States Bank.

W.

Gulian C. Verplanck to Francis Baylies.

Washington, Decr. 10th, 1829.

My dear Sir, — Expecting and hoping to see you in New York as you gave me reason to hope, I did not answer your last letter

which must be now nearly six weeks old. I believe most of the pamphlets, etc., you wish may be found in New York, but how to send you large volumes of newspapers, journals, etc., I cannot tell, especially those of them which belong to public bodies. But what would add more value, infinitely more, to your work would be the living information you could still gain at New York. Of the transactions of our revolutionary committees, etc., prior to 1776, Colonel Willett [1] is by far the best authority and though infirm is still able to talk on those matters. Major Fairlie [2] has many vivid reminiscences of Hamilton which his sprightly and graphic manner make doubly valuable. Old Comfort Sands of Hoboken is the surviving member of our colonial Congress and City revolutionary Committee of Safety, and he is still hale and vigorous at the age of 84. Colonel Fish [3] is the best authority probably for Hamilton's military and early official career as Judge Hoffman is by far the best, of his professional character and his later politics. A few hours talk with these gentlemen, especially Fairlie and Hoffman, would give you a minuteness and distinctness of knowledge of Hamilton which is worth all you could get from documents and letters. Old Judge Benson,[4] garrulous as he is, would also add valuable information of the same kind, and you certainly must not think of finishing the life from his leaving the Treasury to his death, that is, all his legal and much of his political life, without having recourse to the living sources of biography.

If you should visit New York during my absence I will give you some letters which would lead you to this information and acquaintance.

I read the political part of your letter to Davis[5] of S. C., who is very intimate at the White House. He was much struck with it and swears that I must give him an extract (without name of course) which he will put in old Hickory's hands, who he says will like it and perhaps profit by it. I will think of the matter. In the mean while every mail brings us some pamphlet, tract or paper in relation to your Massachusetts quarrels, none of which I read.

I have no time at this moment to go into the news of the Capital, and indeed my immediate motive for writing was to impress upon you the necessity of giving life and animation to your general conception of your hero, by going to still living testimony. I add to the above list, Ambrose Spencer and old Van Vechten of Albany.

In haste yours truly,

G. C. V.

[1] Marinus Willett.
[2] James Fairlie, aid to Baron Steuben.
[3] Nicholas Fish.
[4] Egbert Benson.
[5] Warren R. Davis.

S. H. JENKS TO FRANCIS BAYLIES.

WASHINGTON, Jan. 7, 1830.

DEAR SIR, — You will doubtless be much gratified on learning that the Hon. Henry Baldwin of Pittsburgh has been nominated to fill the vacancy occasioned by the death of Judge Washington,[1] and that his nomination has been confirmed by the Senate almost unanimously, the ballots being *40* to *2*. This result, after an atrocious attack by the editor of the *Telegraph*, only six days prior to the nomination, argues much for the coming triumph of correct principles over deceit and impudent dictation. On Wednesday of last week, Duff Green published a long tirade of a column and a half against the character of Mr. Baldwin, wherein he called him "disappointed," "secretly combined with Clay," "artful," "deceptive," "to be ranked hereafter as he has long been in reality, among the most bitter personal revilers and political opponents of General Jackson," "mounted on the same hobby with Clay," "of *immoral* private character," "traitor," "deserter," "spy in *our* camp," "base and unprincipled."

After this wholesale denunciation, the people here who believe in Duff Green's controul over the Executive considered Mr. Baldwin as absolutely *hors du combat*, and his subsequent nomination by the President has operated like an electric shock. I confess myself to have been as much surprised as delighted. The signal rebuke thus given by the President to this arrogant dictator, must inspire new hopes in those who are the real friends of the administration, and I shall not be astonished if a new era should be about opening upon those who have been so unjustly "cast into outer darkness" through the management of the H[ensha]w party in Boston.[2]

To-day, I understand, the president has sent in the nomination of Gen. M'Niel[3] to be Surveyor of the port of Boston, *vice* Gerry removed. If this report be correct, it is another evidence against the usurpers, who had strenuously recommended for that place a creature of H[ensha]w, ycleped John B. Derby of Dedham.

With great respect your friend,

S. H. JENKS.

P. S. Mr. L. W[oodbury] of N. B. is very busy here with J. K. Simpson, and appears to be particularly terrified since Baldwin's appointment. He is now very earnest in his devoirs to members of *all* parties.

[1] Bushrod Washington (1762–1829).

[2] See the series of letters from Baylies against David Henshaw, collector of the port of Boston, in *Proceedings*, XLV. 174.

[3] John McNiel (1784–1850).

Mr. Webster will oppose the Boston and other appointments made in the recess to supply vacancies occasioned by *removals*, and on constitutional grounds. Henshaw's nomination has not yet gone to the Senate. Were it to go *now*, it would not pass. The Virginia Senators are still absent.

JOHN C. HAMILTON TO FRANCIS BAYLIES.

NEW YORK, April 6th, 1830.

DEAR SIR, — On referring to the correspondence which has passed between us I confess that I am at a loss to discover any thing which could give rise to the impression entertained by you, that any suspicion of an unbecoming motive was indulged by me. A disavowal of that which is not justly imputable to me cannot surely be expected.

In the proceeds of the work [1] I cannot participate; but entrusted with a duty, I have sought heretofore only, as I now do, to have a definitive understanding on the subject, and 't was to preclude any misunderstanding either present or future that I deemed it most fitting to say, let the work be suspended, until a final arrangement shall have been made.

Assurances of a prospective nature are rarely of much value, and it is therefore perhaps unnecessary to repeat what I have so often stated, that it will be my desire to cultivate with you the most manly frank and friendly relations.

I am with much regard yours, etc. etc.,

JOHN C. HAMILTON.

ELIZABETH HAMILTON TO FRANCIS BAYLIES.

MY FRIEND, — Some few Weeks ago, at my request, my son wrote to you requesting to be informed of the progress of the biography of my beloved Husband. It is a subject extreemly interesting to me (particularly at my time of life), and as a critical examination of the work with its printing will nessesarily consume a considerable time, I am very solicitous to know the progress of it. Permit me to request an early answer: With great consideration,

ELIZ^TH HAMILTON.

GRANGE, March 22d, 1831.

Remarks were made during the meeting by Messrs. SANBORN, W. WARREN, DAVIS, BOWDITCH, STANWOOD, RHODES, GREEN, T. L. LIVERMORE, HIGGINSON, and RANTOUL.

[1] A life of Alexander Hamilton, which was never begun by Baylies, though he appears to have been engaged for it by the Hamilton family.

MARCH MEETING.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the PRESIDENT, Mr. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Librarian read the list of donors to the Library during the last month.

The Cabinet-Keeper reported the receipt of a gift, from the Club of Odd Volumes, of an engraving by Sidney L. Smith of one of Christian Remick's water color representations of the English ships in Boston Harbor at the time of the landing of the regiments in 1768, taken from the end of Long Wharf. The original, made for Governor John Hancock, is owned by the Club. He also reported a gift, from Dr. STORER, of a number of engravings of distinguished men; and exhibited a copy of the *Opelousas Courier*, of April 22, 1863, printed on wall paper, the first issue after the capture of the town by the Union troops, owned by Roland Gray, who was present as a guest of the Society.

The PRESIDENT reported for the Council that a note had been received from his brother, Mr. Henry Adams, an Honorary Member (1899), expressing his purpose to give to the Society the family collection of medals, coins, etc., begun by John Quincy Adams, and continued, and greatly enlarged, by Mr. Henry Adams' father, Charles Francis Adams, formerly a member of the Society (1841–1886), and its Vice-President (1869–1881). The President, in making the communication, said that it was the desire of Mr. Henry Adams, as also of the other members of the Adams family, that this collection should pass into the ownership of the Society with a view to its preservation intact, so far as such preservation might be conveniently practicable. He did not, however, understand that any formal conditions would be imposed with the gift. Wherever duplicate medals or coins compose part of

it, which can be exchanged for others not dissimilar in character which would render the numismatic collection of the Society more complete, so doing, as he understood it, will be within the province of the Society.

The Council, in view of the statement, had voted as follows:

Voted, That the Council, on behalf of the Society, accepts with gratitude the valuable and interesting gift offered by Mr. Henry Adams; and that Mr. Adams be requested to forward, at his early convenience, the collection in question to the Keeper of the Cabinet, who is instructed to acknowledge the receipt of the same.

Voted, That Dr. Storer, the Curator of the Society's numismatical collection, be requested to report upon this gift at as early a date as may be convenient; and that the present vote of the Council be now reported to the Society for incorporation in its *Proceedings*.

Voted, That hereafter any report which the Curator of Medals and Coins may make on this collection be communicated to the Society through the Cabinet-Keeper for the purpose of incorporating it, as matter of record, in its printed *Proceedings*.

The Corresponding Secretary reported the receipt of an invitation to attend the dedication of the new building of the New England Historic Genealogical Society, on March 18, and that Mr. STANWOOD had been appointed to represent the Society on that occasion.

The Editor reported the receipt of a gift, from William K. Bixby, of St. Louis, of seven Jefferson papers; and of a letter by David Thomas, 1789, on federalism, from Clarence S. Brigham. He also exhibited, by the courtesy of George R. Barrett, a caricature, "Copenhagen Monster Muzzled," issued in New York, December, 1809, and gave a possible explanation of the meaning of the picture in connection with the oppression of neutral trade at that time and the mission to Russia of John Quincy Adams.

The PRESIDENT reported the appointment by the Council of the following Committees, in preparation for the Annual Meeting in April:

To nominate Officers for the ensuing year,

Messrs. FREDERIC WINTHROP, J. COLLINS WARREN, and HENRY M. LOVERING.

To examine the Treasurer's accounts,
Messrs. HAROLD MURDOCK and HENRY H. EDES.
To examine the Library and Cabinet,
Messrs. EDWIN F. GAY, HENRY E. WOODS, and JUSTIN H. SMITH.

On account of pressure of business, Mr. WOODS declined to serve, and LINDSAY SWIFT was appointed in his place.

Governor LONG suggested the advisability of fixing an earlier hour of meeting of the Society, and the matter was referred to the Council.

Mr. STANWOOD gave a characterization of the late James M. Bugbee, a member of this Society, and submitted a memoir which he had been appointed to prepare.

Mr. THAYER read a paper prepared by Mr. BRADFORD entitled "Portrait of Alexander H. Stephens."

LETTERS OF GEORGE SUMNER.

The following letters were presented to the Society by Mr. Charles S. Hamlin (*Proceedings*, XLV. 415). George Sumner, a younger brother of Charles, was born February 5, 1817, and died October 6, 1863. He travelled in Europe from 1838 to 1852, writing much for American periodicals and newspapers. In November, 1859, he was elected a Resident Member of this Society.

TO HENRY SUMNER.

WASHINGTON, Sept. 25th, 1837.

DEAR HENRY, — Here I am in the great *Menagerie*, the big National show-shop, and here I yesterday rec'd a letter from you. I got here on Thursday night in canal-boat from Harper's Ferry, at which place I saw your name on the Hotel books. Considerable humbug in that description of Jeffersons. *Guess* he never went to the White Mountains and saw the *Saco* come tumbling down thro' the *Notch*. The Armory and Arsenal at Harper's Ferry are well worth seeing, and fully repaid me for the additional two days which my visit to the Ferry took. 10,000 muskets and 3000 carbines are made during the year. The superintendent, Colonel Lucas, scraped my acquaintance — showed me everything, etc., etc.

I suppose you wonder how I got to Harper's Ferry before going to Washington — rather a twisting way, to be sure. From Buffalo I

went down Lake Erie to Erie, broke engine, storm on lake, breakers on lee shore, sea-sickness, old Harry to pay, water over deck, got into Erie, stage gone, waited over night, started next morning for Pittsburg over a miserable road — "horrible most horrible." For two days and two nights was my body exposed to the thumps of this horrid road, and when I got to Pittsburg (after having broken down *twice*, and got out *three* times during one night and broken down rail fences to pry the coach out of the mud) my body was a perfect *jelly* — without one sound spot upon it, too *tired* to stand, too *sore* to sit. From Pittsburg I struck off South to the National Road at Washington, Penn., and on that, over the Alleghany Mountains to Frederick. From Frederick to Harper's Ferry by railroad, thence to Washington by canal.

The day after getting here, I saw Mr. F. and he insisted on my going to his house. I could not refuse and have passed the time very pleasantly with him and his lady. She is a very intelligent, fine woman. They both wish to be remembered to you, and F. says that he has been so pressed by business, the issuing of *Canal Company notes* (shin plasters), that he has had scarcely a minute during the summer to himself to write. Mrs. F. makes apologies for not writing, though she wishes you not to fail in your correspondence on that account. Give them a letter bye and bye. You talk about *ambrosia* — pumkin pie. You ought to have tasted the article that I did the other day — *peach* and *milk*. The peaches peeled and quartered and sprinkled with sugar, then set by an hour or two, and finally *eaten* with milk or cream. It is *true blue*, equal to strawberries and cream — the most delicious dish on earth — any day. I went on *Sunday* with F. to the George Town College, and found the boys playing *Colly-ball* and *kicking foot-ball*. Tell it not in Gath! Publish it not in *steady habits* Connecticut![1]

I shall leave here I think on Thursday or Friday, which will make my stay in the place about a week. I yesterday called on Mr. Secretary Woodbury, to whom I had a letter of introduction (complimentary to the last extreme) from Charles G. Greene, Morning Post. They are as thick as hasty-pudding together. Woodbury received me very politely, but he was evidently ill at ease; in fact, he is considered as having the most awkward situation to stand in, of any at Washington. He introduced me to the Head Clerk of the Department, who showed me the machinery of the office, mode of keeping accounts, etc., etc., and finally one of Uncle Sam's *big ledgers*. *It was a caution*, as Dr. Whittle says, to see the accounts in this. The Cherokee tribe, for instance, charged with *cash* $300,000; and

[1] Henry Sumner was then at Suffield, Connecticut.

then again another charge in one lump of $5,000,000, put down in the same manner with your entries in Johnny B's. books. Woodbury invited me to his house; think I shall call. Was with *him* about eight minutes. It is not every one that gets access to the big man. Those who call, have to wait in an ante-room sometimes for an hour. I stopped there *one minute* only, sent up my letter, and the order to the runner was, *show him up*.

Last evening I carried Tilly to the Theatre, to see Yankee Hill — *the darned etarnal Yankee*. Hill was most *all-fired cute*, to use his own words, but the acting of others was miserable. In fact, I have seen no theatres like those of Boston, *nothing* like Boston notions. The old Athens is at least one hundred years before the rest of the country. It is true there are *bigots* there, but I believe it is better to have the whole community tolerably *strait*, than to have the two extremes as they are met with here. I have seen at George Town in a Methodist Church the *affectation* (among a hundred) of enough religion for the whole country. Such a scene of howling, screeching, swearing, yelling, blasphemy and everything else, I never looked upon, and never desire to again; unless perhaps my feelings of mirth should grow stronger than my feelings of indignation at the abominable imposition practised on the poor victims at these places.

Clay spoke in Senate yesterday; did not hear him. It is rather tedious listening to debates. You don't hear half, and the half that you do hear, comes, "either as a hurried gush, or not at all." The debates, as they are reported in the Washington papers next morning are infinitely more interesting. It is not probable that much will be done this session. *Matty*[1] is sorry that he called Congress together, there is no doubt. The bill for making postmasters and others depositories for public money will hardly go. A sort of *test*-vote for a National Bank was taken yesterday and ousted (in the House) — 122 to 89. It shows how the wind blows. The *National Intelligencer* this morning says that this vote does not show *conclusively* what the feeling is; but it is generally *understood* as being a sign that we shall have *no Bank*.

G. Sumner.

I should be very glad to go home via S., and if I can take one day more, I will try to do it. I shall have been absent from B. over six weeks on my return (Tuesday).

I must make the usual apologies for illegibility of MS., but it is almost impossible for me to sit down quietly for a space of time long enough to write a *legible* letter. *Sights* are to be seen, and *time* is

[1] Van Buren.

short. I make my pen therefore fly over the paper without much Christian regard for the eyes of him who is to read. Trusting that you may be able to interpret, I am, yours,

GEORGE.

TO MARY SUMNER.[1]

COPENHAGEN, May 1st, 1838.

MY DEAR MARY, — I wrote you this day fortnight by way of London, immediately after my arrival at this place, since when I have heard nothing from you or from Carolus. I received one letter from Albert [2] after the first one, and am daily expecting one from Charles. I shall probably be obliged to remain here a week or more longer, as the ice in the Baltic still continues frozen, and we are at the present moment, the 1st of May, in the midst of a howling snow storm. You will receive with this some curiosities which I have sent home from Denmark. There are two packages on board the vessel (the *Garland*, Capt. Nat. Whittemore, brother of Geo. Whittemore and partner of the thrice renowned Hingham firm of Whittemore & Loring) which Horace [3] can call for and receive. One of these contains some publications, which the celebrated Professor Rafn, the author of the work on Icelandic discoveries, has put into my hands, and which I have undertaken to send forward to the persons whom he wishes to have receive them. The other package contains some specimens of the Danish *understandings*, which are, you know, very *thick* and *heavy*, they being quite a phlegmatic people. It likewise has in it some pieces, taken from the tomb of Hamlet which you must preserve with the greatest veneration. You cannot imagine how much the few Washington relics, which I brought with me, are prized in Europe. Preserve those that you have.

During the fortnight which I have been in Copenhagen, I have been continually occupied in seeking out the lines, and in collecting information with regard to the present state of Denmark, — the manners of the people, etc., etc., etc. Although a perfect stranger when I came, yet I have found "troops of friends" during the short time that I have been here, and my time is taken up more than I like by the attentions which have been bestowed upon me. There exists a great deal of curiosity abroad, to obtain information upon America, and I find that my company is courted by many, high in rank and character, who seem glad to receive in exchange for their attentions, such information as I have at my tongue's end, in re-

[1] 1822–1844. Pierce, *Memoir and Letters of Charles Sumner*, I. 33.
[2] 1812–1856. *Ib.*, 31. [3] 1824–1850. *Ib.*, 33.

gard to our institutions, form of government, internal improvements, etc., etc.

The people of Copenhagen tell me that I know more about their forms and institutions than they do themselves. The fact is, I start off in the morning, and explore everything, from the *palace* to the *hovel*, making enquiries of *every one*, who can furnish me with any information. I completely astonished the natives by going up to a *general*, with swashing mustaches, dangling sword and flaunting epaulettes, and asking him in good, round English, if he could tell me when the *high Court* was held. But it was all Greek to him, he *na-yed* most beautifully in reply. I tried to put the question in some other shape, but it was of no use, and at last in sheer desperation, I out with the old question "Parlez vous Francais" "Oui, Monsieur." "Well then (not will you lend me the loan of a gridiron) but where is le place de la cour de justice?" "Oh! monsieur," and with a low bow, he took me under his military wing, and calling to a soldier, who with presented arms came, as an escort, we trotted down to the desired point. On the way I praised the beauties of Copenhagen, its houses, statues, etc., and wound up by telling him "C'est *une belle ville*." After a long pause the General got out — "Boston" — with an explosion like a thunder bolt — "*un* BEAU *ville*." You will see from that that his French was no more grammatical than mine, to say the least. After getting to the place, we exchanged military salutes and a profusion of thanks, pardonnez mois, excusez mois, etc.

I have found a very pleasant and useful acquaintance in Mr. Woodside, our Minister here.[1] He is a man very much like Governor Lincoln in appearance and manner. I have taken rides with him about Copenhagen, in his splendid coach with the eagle-buttoned footmen, runners, etc., etc. The Minister of Republican America supports the most stylish equipage in Copenhagen, and when he goes forth in state, as he did *of course* when I was with him, the people run as they did to see John Gilpin of old, and those who do not see him exclaim,

> "When he next goes out to ride,
> May I be there to see."

I dined a few days since at the house of a Dane, where we had six languages spoken at table — a regular tower of Babel business, I assure you. After dinner my host came up to me, and with outstretched arms, exclaimed *Velbe kumer her*, and the exclamation was repeated all around the table, and the shaking of hands continued.

[1] Jonathan F. Woodside, of Ohio, who was chargé d'affaires, 1835–1841.

Here was something new, and I called out for an explanation, when I found that the magic words meant in English, "May it do you much good," or "May good digestion follow it." I was immediately struck with its similarity to the exclamation of Macbeth, at his banquet, "Now good digestion wait on appetite and health on both." The manners of the Scotch, ever since the invasions of that country by the Danes, have partaken of a similarity to those of Denmark, and it is possible that this old custom of wishing good digestion, etc., was carried over to Scotland from Denmark, and coming to the ears of Shakespeare, was put into the mouth of a Scottish king.

In my last letter from Albert, he speaks of starting a steamer from Liverpool to New York. Should this plan work, you will probably want to cross old Ocean in it. To both projects I say — "Go ahead, steamboat." I have as yet heard nothing from home since I left Christmas. If you don't write, I shall cut your acquaintance. As soon as you receive this, despatch a brimfull letter to me, care of Baring Brothers & Co., London, whom I shall keep instructed as to the sending of them forward. I suppose Albert will have left before this reaches home, and I have therefore not written to him. Tell him to write, and if Henry has arrived, make him write, — at any rate, let me know where he is. I bought those wooden understandings on the 28th of April, your birthday. Let them go into your museum, and be joint stock among you and Horace and Julia.[1] My love to them, to Mother, father, and *all*, from Yours afftly,

GEORGE.

You will have some music to practice upon when you get this — among other tunes the famous Vin Henri Quatre. This has variations, which I detest, but I could get it in no other form, and only this single copy in its present.

To HENRY SUMNER.

CONSTANTINOPLE, [May 20th][2] July 17th, 1839.

MY DEAR HENRY, — I have put above the date on which I left Constantinople, since when I have passed to the Dardanelles, and over land through the parts of the Turkish Empire which are interesting from their association with antiquity. I spent four days on and about the plains of *Troy*, and have sought out every spot there upon which history or imagination attracts any interest. I was at Constantinople during the sickness and death of the late

[1] 1827–1876. Pierce, I. 34.

[2] The earlier date is struck out.

Sultan — Mahmoud [1] — and I also saw all the ceremonies of the inauguration of the present Sultan.[2] This is a hard time for Turkey. The dissolution of the Empire seems almost at hand, and a general European war to decide *who* shall take possession will probably follow. I am in haste and scratch off these lines while on the wing; they will go by some vessel from Smyrna, but I shall write by way of *Havre* very shortly, so that all my *news* will go in that manner.

SMYRNA, July 27th, '39.

I am here, and finish this to send you some things by the brig *Russell*. You will find a *large bag* containing my travelling *bear skin shoub*, which I intend to keep for winter-riding at home, also some stones from the *plain of Troy*, etc., etc. These I wish preserved, as I took them from particular spots, and wish afterward to compare them with some descriptions — do not mislay them.

You will find also on board a *small box*, containing some little things, among these a silk dress for Mary, which I bought some months ago in the interior of Turkey at the ancient city of *Brousa*, the former *Prusa*, the city which is perched upon the side of Mt. Olympus, and the city which was the scene of the death of *Hannibal*, as well as, in after years, of *Ottoman*, the founder of the Turkish Empire. The dress which I send for Mary, I *saw wove;* near the tomb of *Bajazet the Great*, the adversary of Tamerlane, or *Timor* the *Tartar*, and also *near* what is supposed to be the tomb of *Hannibal*. "The worms were hallowed that did breed its silk," as much as were ever those that were the origin of Othello's charmed handkerchief. The mulberry trees on which they fed, I *saw* growing upon the *side of the Mysian Olympus!!* There is a *bag of cachmere* for *Mother* which I hope she will like, and some other things — curiosities.

I shall mention all these particularly hereafter, but I have written *upon* everything, what it is, so that the box will tell its own story.

Adieu, and may this letter, scratched in a great hurry, find you all well, in good health and in good spirits. Horace I hope is enjoying himself and will be a good and intelligent lad. I was very glad to receive a letter from him written Jan'y 15th, which I found had been sent forward to meet me at Constantinople.

Adieu, again from your afft. brother,

GEORGE.

I have just found here, by means of a Boston newspaper, the news of the death of *father*.[3] I feel too deeply to say anything at this mo-

[1] Mahmud II, sole survivor of the house of Osman, was Sultan from 1808 to 1839. [2] Abd-ul-Mejid, son of Mahmud, who reigned until 1861.

[3] He died April 24, 1839.

ment, when I have not one minute scarcely before the sailing of the vessel, but I hope and trust that mother and all of the family are patient and resigned under this bereavement; that *philosophy* which we all *know* we should exercise; and although I feel a strong tie is severed, yet I hope that all of us will bow in submission, and not quarrel with a decree of Providence which we cannot avert. I shall write fully hereafter, and what I may write then, you will receive before this. Adieu, and may God be with you all.

GEORGE.

TO MARY SUMNER.

DAMASCUS, August 31st, 1839.
(Albert's birthday.)

MY DEAR MARY, — It is a long, a *very* long time, since I have written you, as it is likewise since I have received any news from *home*. I am afraid that we are about equally delinquent, but I have been so continually on the march, or have been so occupied, while stopping in different cities, in seeing persons and things, that I have scarce had time to sit down coolly to write a long letter home.

I now write you from *Damascus* — the "*orchard* city" — the pride of former days, and the pride of the Turk still, for, wherever he may be, he looks to Esh-Sham as a place to which he must, one day or other, pay a pilgrimage, and it is here that one sees all that *Oriental life*, which in Constantinople by long contact with European alterations has been very much changed, and has in fact been almost entirely lost. In Damascus you see, however, only three or four persons in any but a *Turkish*, *Arabic* or *Persian* dress, and it is only two years since that no Christian was allowed to enter the gate of the city upon horseback. Since the coming to power of *Ibrahim Pacha*, all these restraints have been done away with, and Damascus is now as safe a city as Boston. I am at present writing this in the *Latin Convent* dedicated to the conversion of St. Paul, which you recollect took place outside of the city walls. Yesterday I went to the spot where stood the house of Ananias,[1] who you recollect baptized Paul. Here is a little cave, which was, as is said, the place for the underground meetings of the early Christians. The house of *Judas*, where Paul was baptized, still stands (!) It belongs to a Turk, who readily shows it for a *piastre* (about 4½ cents). All these things require a *little* faith to believe, but these are mere trifles compared with what one meets in other parts of Syria. At *Jaffa*, the ancient *Joppa*, I saw the place where *Noah* entered the *Ark*, and also the place where *Jonah* embarked in order to *disembark* into the

[1] 9th Chapter of "Acts," I believe. *Note by writer of letter.*

whale's mouth. All these and a thousand more places *equally* interesting and *equally well authenticated* by the long-bearded monks who have charge of them, are shown to those who are credulous enough to believe. The convent where I now am, has a *Superior* and two *Franciscan monks*, whose employment is to say mass in the church at six o'clock in the morning, and to *eat*, *sleep*, *smoke* and *laugh* the rest of the time. This is the regular stopping place for all travellers, who have rooms, and food with the monks while they choose to remain, paying what they like on leaving to the cook, although no charge is made them.

In Damascus, the *rich* houses are really elegant, far superior to those in European Turkey or in Asia Minor. The immense marble courts, paved with various colors, the fine fountains playing upon all sides; the *orange* trees hanging over them; the high ceilings, fantastically carved and gilded; the rich silk divans — all remind one of those ideas of Eastern luxury and elegance derived from the Arabian Nights; while at the same time, if you pass by any coffee shop in the evening, you will find different colored lamps hanging upon some tree opposite, and underneath and around hosts of Turks assembled, regaling their *mouths* by *coffee* and their *pipe*, and regaling their *ears* by the recitation of one of those *very* tales. What is a little remarkable too, the professional story tellers, at these coffee shops, will, just as they have wound up the hearers' curiosity to the highest point, suddenly *break off*, and promise to finish the story *the next night*. The next night, that is finished and another commenced, which is, in like manner, broken off, and thus a *web* of tales is commenced, which is spun on, night after night, to the great benefit of the *coffee maker* or "*Kafadge*" as he is called. You will see that this trick is precisely the same as that used by the *first* relater of the "Arabian Nights" in order to keep up the curiosity of the Caliph, and is the same also that is used now by magazine publishers, and penny newspapers, in order to *sell two copies* instead of *one*. This is one of the *Oriental sights* which I have now before me, while I have also at every corner something to remind me of the *East*, and of the long distance which I am from our New World. I have been in Damascus about three days. I shall remain for about a week, and then start south for the Sea of *Tiberius*, *Canaa*, *Nazareth*, *Samaria*, *Jerusalem*, etc. There in the Holy City, I hope to find letters from you, and should I, you will perhaps again soon hear from me. I left orders to have my letters sent to certain places, but often they have not arrived until after I have left, when they are sent on to some other place, farther in advance. It is in this way that I hope to find a good budget of news awaiting me at Jerusalem.

I hardly know what to tell you, or what to write, — not for *want* of material, but for having too much. New and interesting spots have been so continually brought before me, and in such great variety that it is difficult to choose what may be most interesting to you.

I wrote to Henry from *Smyrna* by Brig *Russell*, some time ago, sending home at the same time some little things. I had not leisure then to write fully, but I mentioned I believe upon each article what it was. There was a piece of *Broussa silk* which I brought *from the foot of Mt. Olympus* for you, and several little things, also some stone, pieces of marble, etc., etc., from the *plains of Troy*. These I wish to have kept, as also *all* the curiosities which I may send home. I have not time frequently to mention what they are, but nearly all of them have for me a value which I shall at one time explain. These cards from Russia exhibit the costume of different nations, at the foundation of the Russian Empire more than 1,000 years ago; they are therefore very curious and valuable, and I hope you will take good care of them, as of my other things. I sent at the same time my Russian *shoub*, or bearskin, in which I travelled, and which I shall keep for winter riding in America. (This must be put away from moths.) In the bag with that, was a *real Damascus blade*, which I found in the Bezertun or Jewel Bazaar at Constantinople. They are very scarce and valuable, and although I got this for a moderate sum, yet they frequently cost very high. In Damascus itself, there are very few Damascus swords to be had; those *now* made are very poor, and the *secret* has been transferred to Persia.

Now that I have done with this, I will return to my route. From Smyrna (where I saw Mr. Langdon) I went to Scio (Chios) and saw the spot which the imprudence of the Greeks themselves caused to be destroyed. It is now as it was left in 1822, a beautiful, green, fertile, lonely island, but nearly all desolate. Roofless houses blackened with smoke are all that meet the eye. Here and there a few houses, after more than seventeen years' time, are beginning to appear with white walls and roofs on, but the greater part is like a city of the dead. The people of Scio had agreed to keep a strict neutrality during the Greek revolution. In an evil hour, they joined in that, and commenced by cutting the throats of *all* the Turkish garrison, in the night, while they, relying upon the promise of the Greeks, were quietly at rest. In return an immense force was sent down with the *Captain Pasha* at its head to *sweep off the whole island*. It was done, and scarce a soul was left. For weeks every corner and every fortress was searched, and the mountains offered no protection. The retribution of the Turks was *terrible*, but all here seem to think it was in some degree *deserved*. From Scio I went to

Samos, the birthplace of Pythagoras, and from Samos to Cos — this last is a fine island, green and fertile, and the old city, with its high battlemented wall, is very curious and interesting. Cos was the birthplace of "Hippocrates the father of Physic," whose head you must have seen mounted like that of a decapitated traitor upon a wooden post near the end of *Boston Neck*, just as you enter *Roxbury*. Whether it is there now or not, I cannot say, but here in *Cos*, is the fountain by which he sat, and as the Greeks say the *tree* under which he taught his disciples. Our great tree upon Boston Common must hide its head after this one. How old it is, no one knows. Geographers of the 15th and 16th centuries speak of it, and their descriptions make it of the same size that it is at present. It covers an immense extent, and its branches are held up by splendid marble columns, taken from some of the old temples and placed perpendicularly under the limbs of the tree. With all these columns, it reminds one of the *Banyan* tree in India. In addition to Hippocrates *Sisyphus*, the man who spent his time in rolling stones up hill only to have them roll down again, was also born *here*.

From *Cos*, I went to *Rhodes*, which is one of the most interesting places I have seen. As to the Colossus, he walked off and did not choose to be visible, but there are associations more recent which render this spot full of character. Here was the stronghold of the *Knights of St. John*, and long after the *crescent* and the star were floating over Syria, Palestine and the Islands of the East, the standard of the *cross* was waving boldly from the great towers of St. Nicolai and St. John. This was the *last place that surrendered*. Although about 300 years since, yet everything bears the stamp of the old Knights: the great street of the Chevaliers with the arms of each emblazoned upon a marble slab in front of his house; the old church of St. John, now a mosque; the Hospital, used at present for Turkish barracks all remain, while the immense walls enclosing the city for miles in extent, of a strength inconceivable, and *wide* enough to allow *three* carriages to pass abreast upon their summit, still stand as memorials of *the men that were*. Parts of this are falling to decay, but the beautiful pile of St. Nicolai is kept in fine order. It is now a "*Paynim tower*," and from that waves at this moment, the *Turkish flag — blood red*, with a white crescent and star.

From Rhodes I went to *Cyprus*, the island so famous of old as the birthplace of *Venus*, the *Paphian* queen. Paphos still stands, a miserable Greek village with a few houses built of mud, while near by are the fallen columns of the temple that once stood there for the goddess. All around the island, which is about 500 miles in circumference are ruins of ancient temples and cities. *Laonica*, where I stopped for one day, is near [the site] of the ancient *Citium*, which

was the birthplace of *Zeno* the Stoic. You see, Mary, how completely I have been for some time past mixed up with those who flourished in antiquity. I shall become an *antique* myself almost, if I poke about in this way much longer, stumbling over old ruins, measuring columns, and climbing into tombs, etc.

From Cyprus I went down upon the coast of Syria, and passed along by Tyre and Sidon to Jaffa, thence returned again and landed at *Beirout*, which is near the spot of the rencounter between St. George and the Dragon. He being my patron saint, I of course went to see the spot of his mighty deeds. There is a *cave* sure enough, and for all that I know, a dragon might have lived there once. He certainly would have shown good taste in selecting this spot, for when I went there, although my thermometer outside was at nearly 100° Fahrenheit, inside it was delightfully cool and comfortable. The scattered Christians who are around, and who are firm believers in the certainty of the spot, go to this cave to burn a wax candle upon the 23d of April, St. George's Day. Near by is the fountain from which he drank after finishing his antagonist. From Beirout I went through Lebanon, (the country from which came in former days those famous cedars) and afterwards to the ruins of *Balbek*, the ancient Heliopolis City of the Sun. The Temple of the Sun here is in wonderful preservation, and so splendid and grand in its structure that one can hardly conceive of it. The wall which surrounds it is the most wonderful thing (on account of the size of the stone) ancient or modern, in the world. There are immense stones more than seventy feet long and sixteen feet square, which are raised to an immense height. Compare it with something at home — *one block of stone* is as high as our woodhouse, twice as thick, and nearly twice as long — and of such pieces as this an immense *pile* is made — a stupendous building. The rich Corinthian columns are most of them level with the ground, a few stand, however, to show how beautiful the whole *was*.

I have given you, perhaps, a prosaical account of some spots that I have been to since last writing you. Had I more time or more paper, I might give you many interesting accounts of the places that I have seen; but one day or other I hope we shall tell over our tales together, beyond the seas. Many of the places to which I am going, and some where I have been, have been much misrepresented by travellers. *Buckingham*,[1] who carried off so much money from Boston people (who are always ready to be made *fools* of, provided they have to pay dearly enough for it), is declared by *all* who know him, or the country that he attempts to describe, as a great *humbug*

[1] James Silk Buckingham, who wrote some books of travel in the East.

— a mere catch-penny speculator upon people's credulity. I have read some of his lectures, and from what little I have seen as yet I do not find any similarity to the places he describes; but *never mind. He made a blaze, he charged a high price, he baited his hook well with humbug;* and Boston *vanity* and Boston *ignorance* were caught!! So it is usually in our *American Athens!*

I have only a small space left to say *good bye.* I should write more fully, did I not expect within a fortnight to find letters from home, when I shall again write. Remember me, or I will here do it myself, to Mother, who is I hope in good health, to Horace and Julia. From Albert I have not heard for a long time. My last letter from Charles was at Rome, more than three months ago. I shall find letters from him also at *Jerusalem.* What are Horace and Julia about? How are you all? How is Henry? and what is the news? Write me at once, and send as before to Barings, and always, if possible, by a *steamer,* as it makes a great difference in time.

I have with me now a servant who speaks, *Turkish, Arabic, Abysinnian, Greek, Italian,* and a little *English.* He is my dragoman and servant, and notwithstanding all the languages, which in America would make a lion of him, he is with them quite an every day character among his own people. He is a Greek, and the Greek Levantines speak almost every language upon earth.

Dr. Lowell and his wife came to Damascus at the same time with myself. We arrived at the same time at Beirout. The Dr. proposed going when I went to Damascus, and Mrs. Lowell was determined to undertake the four days ride upon horseback herself, a journey sufficient to fatigue the muleteer, much more a lady. But she got through it grandly, and returns *to-day* with Dr. Lowell to Beirout, where they take a steamer, which leaves once a month for Alexandria. Dr. L's. daughter was with him, but she remained at Beirout, fearing to undertake the journey. They return to-day and I *push on farther.* Once more good bye and kind love to Mother and all, from

Your afft. brother,

GEORGE.

MY DEAR HENRY,[1] — I have only time for a few words. I wrote you from Smyrna, after getting there the news of father's death, and I shall write again as soon as I find letters from you. It is best, I think, to put off for the present, any settlement of father's estate, — and to let things *stand as they are,* unless when some bills are coming due or some change *must* be made. This can continue for a year, and then things will be clearer. I do not know what arrangements

[1] On the same sheet.

have been made, but I think this would be best. There is no occasion for selling stocks as is frequently the case, at a great depreciation. I should prefer to see *everything stand as it is*, at all events for a little time. I presume Charles has written you in regard to this, though it is very long since I have heard from him, and I do not know. I merely mention what I have, before getting any letters, in order to let you see my opinion. At all events, I hope no decisive steps will be taken until I have time to know. I am astonished that Greene should have published an extract from my *private* letter to Mary as one written to him, for so I infer from your letter he has done. It is abominable. Had it appeared as taken from a private letter, it would have been different, but to put in remarks like those as coming from a *newspaper correspondent* is *too bad!* Tell Greene never to take anything from my private letters to publish, as if written to him. What one will say to a *friend*, he will not say for the *world*, and if "good natured friends" choose to bring it forward, they should at least have the delicacy to mention that they have published *without leave of the writer*. I wrote a letter to Greene some time ago, which he may have published; I wrote it while in the Caucasus. I wish you would tell Greene to take a copy of that paper, and send it by the *London packet* or *steamer* to England directed to the "Imperial Russian Embassy, London."

The *mail* will soon close, for we have a *mail* even here. It is the English India Mail, that passes through Damascus. Affty,

GEORGE.

TO GEORGE W. GREENE.[1]

NAPLES, July 21, 1840.

MY DEAR GREENE, — Enclosed I send you an order on *Torlonia* for $33, payable at sight. The difference, $3, is what I paid to Galluppi[2] for his book. There remain 13 cents to make up the sum of $36.13. Exchange here is very little more favorable than at Rome. Galluppi's book I sent to you yesterday by a *Spaniard*, a Carlist of some note in Spain. He was Secretary of Legation at Portugal and at Copenhagen, under Ferdinand, and afterwards was a confidant and, as I have heard, private secretary of Don Carlos. He is the best hearted fellow in the world, but, as you will see, if you meet him, not the man most likely to give firm wise counsel in time of danger. I met him in Rome once or twice, and he was a passenger in the diligence with me to Naples. He had hardly

[1] United States Consul General at Rome.
[2] Baron Pasquale Galluppi.

buttoned himself up comfortably here, when an order came from the police directing him *immediately* to quit Naples, and with this order, the very flattering announcement on the part of the *Prefect*, that if he were not a person *comme il faut*, he should send a corps of *gendarmes* with him to the frontier! He, poor fellow, driven out of France, had taken his quarters here, thinking to find rest for his head, but it was denied him, and he has gone trundling back again to Rome. What an evidence of weakness and childishness on the part of a Government, when it thus shows its fear of one poor helpless solitary man. As he has taken charge of the book, you would do well to call on him. You may get some information from him. He is, as I have said, a very *good* fellow, but rather *weak*.

I have called several times on *Galluppi*. He certainly is not the most elegant fellow in conversation, but he is not half so bad as many *professors* whom I have met. The Copenhagen professors, those who are the most distinguished, are even more awkward than Galluppi, who sat while we were talking wriggling on his chair and grinning with apparent delight, at the same time not capable of uttering what he wished to say in response. I told him that you were making his name known upon the other side of the water, and were by means of his writings driving away the mystical clouds of German philosophy which were about settling over our people. I told him also that we were fortunate in our *Console Generale* at Rome, that instead of spending his time as most consuls and ministers did in foreign countries, he was availing himself of his residence abroad to shed upon his own country, the beams of knowledge which he continually gleaned from all parts, and that one of the greatest gifts he had as yet made — was the translation of Baron Galluppi's Letters. The old fellow was in ecstasies, rubbing his hands, until he finally got out quite as thundering a speech in response, the amount of which was that he felt highly honored and gratified that his book should be known in America, and felt more honored that it should be introduced to our country by one for whom he should feel the highest respect and consideration. And he then made me write down your name in full with all the *'issimos* attached. The first time, I called on him with *Lacaita* (who is a most excellent fellow, one of the best I have met in travelling) he was quite astonished to see the old man's enthusiasm, which got amazingly stirred up during our conversation. At parting, Galluppi came all the way down stairs with us, and shook hands on the last step. The other day I was there alone, and he did the same, making me promise to call and see him when I returned from Sicily. He is now publishing a second edition of the Treatise on Logics, etc. Only three volumes are as yet completed, so that you have three of one

edition and three of another. The second edition is *precisely* the same as the first, no notes and no additions, but for the sake of uniformity of appearance, he wishes the last three volumes to be sent on in about four months, to be exchanged for the new ones, which will then be ready.

During the time that I have been in Naples, I have been constantly racing about. There is so much life and action going on here that one cannot easily, if he would, become stagnant. It is quite different from your grave, solemn, sleeping Rome. Some of my Neapolitan letters were pretty good, others, so, one in particular has turned out capitally. The letter was to a young man who is at this moment absent on a special mission to London. His father, however, received it and did the honors. From him I have got a great deal of information. He is one of the *Consulti*, a body of a few individuals who are called in by the King to assist in the councils of the Minister. I met him first when I called to find his son, and we sat down together and had a chat at once. I began to suspect soon that he had some hand in the Government, so without giving him time to tell me what it was, I pressed all the questions which would have been forbidden had I known his rank. I asked him about the *impartiality* of the *Ministers*, the *honesty* of the *Consulti*, the wisdom of their counsels, etc. The old fellow gave some very sensible replies, thought there was too much flattery and too little honest independence in the Cabinet, and that men gave up their real opinions in order to please the King. After it was all over, when I was leaving, he told me he was one of the *Consulti*. At this announcement, the truth of which I was already pretty well convinced of, I appeared of course duly astonished, made necessary apologies, etc., etc. I have seen him two or three times since.

Rothschild has given me the use of his box at S. Carlo. I have dined once with Throop. He is quite like a fish out of water in Naples. He is learning Italian, and was greatly delighted at his success in purchasing an *ice cream* the other day, *alone, without any assistance !!*

I shall leave in a few days for Sicily, to be absent for two or three weeks. If Kinloch has not left yet, remember me to him. He has a good library in Florence. Do you think he would have any objection to my referring to it while there? If not, I wish he would leave a line with you for his *librarian*. Should any letters or papers come for me, please send them on as I have before directed. If the book of which I spoke to you, comes from Vienna, please *keep it at Rome* until my return. If you write home to Boston or to any of the Cambridge *clique*, mention that I am in your region. I believe some of those fellows have an evil eye towards me, and though

I don't care much for them, yet their good opinion is as well to have as their bad.

Since being in Naples, I have made the circuit of all the principal curiosities in the vicinity, — have been to *Baiae*, *Cumae*, and the Lake of Averno; have roasted in the sun at *Pompeii* above ground, and been chilled by the cold of *Herculanaeum*, below; have been at the top of *Vesuvius*, and at the bottom, almost, of her crater. What an infernal roaring, smelling, bellowing, spitfire place it is. Had I seen devils, such as Mich. Angelo has at the bottom of his Last Judgment, poking up the cinders, or grinning and chatting with one another after having whisked away the ashes with their tails, to make a clean place to sit down upon, *I should have scarce felt any astonishment.* They would have been so perfectly in harmony with the rest of the scene as to excite no surprise. I arrived at the top of the mountain some time before sunrise; the air was damp, and had kept *down* all the smoke *within the crater*, so that I saw it full and afterwards clear, when the dry air above allowed it to escape. I have brought off the piece of lava for Mrs. Greene, and shall endeavor to get her another from Mt. *Etna.*

I shall remain here some days before going to Sicily, until I hear from you. I repeat again, dispose of me entirely if you have the least occasion. I shall not leave for Sicily until I hear from you. Remember me kindly to Mrs. Greene, and believe me,

Yours, truly and affectionately,

GEORGE SUMNER.

To George W. Greene.[1]

FLORENCE, Nov. [?] (Wednesday), 1840.

MY DEAR GREENE, — I have just received your letter enclosing others from home. Of a truth my good friends have found out the way, and I shall be obliged to call out to them in the words of Macbeth "hold, enough." Whether I shall be "damned" for that expression of sentiment or not, I really cannot say, but to all appearances I shall certainly not be worth a damn unless I make it.

I arrived in Florence safe and sound on Saturday evening, having remained an entire day at Sienna, where I saw Min. just on the point of departure for Pisa, to the University of which place he has been transferred. We shall perhaps meet there. By good fortune, the company in our carriage was excellent. A Genoan priest, who had taken the habit of sanctity to work his political schemes to better

[1] From a copy.

advantage, who had written one or two tragedies, "Palamed" was one, and who had been locked up three years in prison at Turin, was one of the company. Then a young intelligent Florentine (Cavalier by the way) who, having taken a wife, had taken shortly after, a journey to Rome, and was now taking both back to Florence. A woman in a public coach is an awful thing, but she was so young, pretty, witty, intelligent, and knew so well how to take care of herself, that her company was quite pleasant. She could talk politics, could argue, yes, even longer than Goldsmith's schoolmaster, sing and dress the evening's salad. A pretty girl, and clever without affectation. One of the first things she did in Florence was to make her uncle — de Mantalos — one of the principal guns of the place and the Director in Chief of all the Galleries, give me "full powers" to go at any time to the Closed Rooms, the Cabinets of Gems, etc., etc. Her father-in-law is one of the Consulti, the body which comes next in rank after the Ministry. We had one more curious character, and he, with myself, made up the coach load. This one was an Englishman, but so quiet, still and gentle that one might take him for a gentleman. He was about fifty-five, dressed in a rusty hat, a well worn coat, shoes, and white worsted socks showing themselves below his pants. He was short and had a large head. At first, I supposed, as he came from Naples, that he was some Director or Deputy Director of the cotton fabrics at Salerno, and I talked very learnedly about all things thereto pertaining. He looked as grave and mysterious as if he were really the Director, and as if another one were trying to pump out his private information. Still I did not understand him exactly. All at once he popped out with a quotation from Livy, in a few moments another one followed, and in the evening he undertook to detect wrong spelling in a Greek word. I thought he must be a retired parson, no — village doctor, no —. The second day as we were walking through some little village, I bought a pocketful of roasted chestnuts, and offering some to him, asked him to partake of the classical castagnes. His little eyes twinkled, his large mouth opened, and like a shot, out came a line from Virgil, another and another followed, like capping lines at school, all suggested by the simple word castana. We went into a Osteria, and while drinking a fogliette of wine, the small battery kept playing, and Virgil, Horace, and a hundred others, not omitting the old Greek Anacreon, were laid under contribution, and obliged to pay toll to this apparently quiet, soft, good natured, simple hearted old man. I could not forbear complimenting him on his success in keeping up so perfect a knowledge of the classics. "I ought to," said he, "it has been my business all my life. For 30 years I was Second Master of Eton College." And then all the rest of the way

was anecdote and chat of "his boys," now M.P's., LL.D's. and A.S.S's.

Greenough [1] I have seen, also that good simple hearted Yankee, Peisser. Cooley will not go on for some two or three weeks, perhaps a month. Everett has, I am told, taken a house for six months. Molini has none of the books you wish, and I do not see but there is a good opportunity for me to "walk off." He expects some more books, however, very shortly (when was there a bookseller who did not in case he was unprovided with the book you wanted) and perhaps you may get your money's worth.

I have had two letters which I really wish I could send to you. One is from Charles and one from Hillard. I do not know whether to laugh or to cry, to be vexed or to be quiet. Hillard's letter is pretty good, some pleasant chat, some compliments, pattings on the head, I should call them, and then a sentence like this — "Had your MS. on Greece been lost, the great good to you would have been none the less secured by the mental discipline and the vigorous exertion of your faculties in its preparation." I thought Hillard knew me, that "mental discipline," "vigorous exercise," etc., etc., is only what I have been practising ever since I knew how to think. Certainly those powers were not exercised by me on this occasion to which Hillard alludes with any more force than they have been constantly since I have been travelling, and not half as much as when thinking of some other countries, not more than on every octavo which I did for many years before I left home. It annoys me that because I have kept quietly thinking and working in my shell, one of the results of that thought is looked at as something which will train my mind, which will create that of which it is only one, and proportionately, a very small consequence. Hillard says I have before me "a sun-illumined future." That is all very well — a future illumined by the gracious smile of the "first circles," and literati of Boston. Longfellow tells me, "trust no future, however pleasant." Charles' letter contains facts showing such a state of feeling at home as makes me almost forswear America. I could do it to-day in the Church of S. Croce, if I thought my country depended upon such men as are many of those victims to party feeling, who make up society at the North. Will you believe, that because that article on Greece [2] appeared in the *Democratic Review*, the only review we have which goes to foreign capitals, the review which champions in a moderate way those principles upon which our Government is founded, the only review published at

[1] Horatio Greenough.

[2] "The Condition of Greece in 1842," *Democratic Review*, VIII. 204.

Washington, therefore the most fitting to receive an article written abroad, and discussing the movements in a foreign nation, the review which Advaros (Min. of Pub. Ins. in Russ.) hailed as a publication which gave a tone to America abroad, and enabled her to appear with a review not a poor repetition of the poor matter of English reviews — because that article appeared in the Democratic Review, it is trodden under foot, and I am denounced as "an Administration man." I will show you what Charles writes. "[Nathan] Hale declines to insert your article in The Advertizer on account of its present position. . . . I showed it to Ticknor, who said it was a 'striking article,' but was sorry to see it in such company. Seriously, my dear George, think of abandoning your leaky craft. Professor Greenleaf spoke to me about you last week. He had been grieved by the position you had taken, and said that it had been lamented by many people who were prepared to be your friends. [Prepared to be friends, after I had no occasion for their friendship. I admire their prudence, hope they will take the alarm, and run.] Judge Story did not mention your name till I introduced it two days ago. He has been much troubled by your position, and of course did not speak of it out of delicacy to me." God *damn* them *all !!* and yet I cannot but laugh, roars of horrid laughter, on thinking of all these things. But in truth I have ground to feel melancholy. What a state of things does not this disclose at home? How the demon of party feeling must have crazed the minds and feelings of men whose characters one would suppose firm and high. I have reason to feel anger, too. While abroad I have endeavored to think, feel and act as though I had a country, not as though I had a party. I have endeavored also to make others know and feel that America was a country, that it was something more than a great political barber shop, or a mere extent of ground excellent for the raising of cotton. And this is what I find comes back upon me from *home*. The oil of pure patriotism I fear is burnt low. I trust however, enough will remain to guide my steps through the dim and narrow path which is to mount to the "sun-illumined future." Shall you write to Boston? Pray, say something for both these gentlemen. Do not vindicate *me* however. Castigate *them*.

I might almost be vexed at another thing in Charles' letter. "I wish you would write," he says, "something to be published here that would make you known in Boston and thereabouts in an agreeable way. Write a letter on Egypt such as you have given on Greece. People are interested now in Egypt, more than in Greece." I have italicized myself. I read the whole of that over ten times at least before I could believe it was really written. O ye immortal gods! Can it be possible that he has looked at that letter on Greece, a

letter which contains material for history (I mean *history*) that he has looked at, and treated that as a thing intended to tickle the "interest" of "people." And then in regard to Egypt, does he not know that a letter like that would be impossible to write. Egypt has in Europe a friend, France, who has kept her before the world. Greece is Europe's victim, and the truth for her is never heard. Charles speaks as if a letter *like* that was something to be written on *any* subject. I thought he would know better, perhaps some of the others might not know the difference between that and the generality of traveller's letters, but it seems this has gone the way of all things. "It is under a bushel," C. says, "and there it will remain." Charles says, "Send me something with a carte blanche." What a request! Something I suppose to pander to the vulgar appetite of the people of Boston. Notwithstanding my horror and indignation at the idea, I feel that I shall almost be weak enough so to degrade myself as to comply. Pray, write to me and dissuade me from it. Do it quickly, or I may write an article that may make me known in the vicinity of Boston in an agreeable way, but will cause me to despise myself.

I have found here the new work of [ ] Bey, the French physician of whom you have heard me speak, upon Egypt. It is a remarkable book, great in its research, though a little natural vanity is displayed in describing some of their improvements in which he was the principal actor. Let reviews speak of that, he deserves ten times as much praise as he has given himself. I thought of writing a review of this, but that must be something stiff and formal, and would require more time and care than I can bestow. The idea has occurred to me of writing another letter to Hillard. Tell[ing] him about Egypt. I cannot say what I have of Greece, because others have ploughed the ground (get in a word for Greece there); tell him I shall say something of Egypt to "enlighten his weak understanding," etc., etc. Give a slight historical sketch of Egypt from the time of Saladin to the Crusades, which is a convenient place to jump in, down to its conquest by Turkey, the Government under the Sultans, the Mamlouks, their destruction, the comet of Mehemet Ali's authority, his first opposition to the Porte, the fuller establishment of his power, the improvements he has undertaken, — (His organization of the courts, his taxes, the councils of his army and navy, his hospitals, etc., etc. his general policy. His second row in 1831 with Turkey, Ibrahim's march to Syria and Constantinople. Russian interposition, treaty of Unkiar Skelássi,[1] his movements for five years after, battle of Nezib and treason of Capitan [Ahmed] Pasha, shuffling diplomacy for one year, treaty of January

[1] July 8, 1833.

15, '40, English distribution of arms in Syria, Syrian population, lazy rascals, Emin Beshin [?] resists English influence, finally comes in (Biography of E. B. for which I have all the facts. His life has been remarkable, he has despised uncle, cousin, brother, without anything to back him but his head and his sword, it is rare. I have many facts and I see in the *Journal des Debats* a full biography, which is correct, because though fuller it agrees with mine. This almost would make an article. Can I use that in the *Journal des Debats* without plagiarism? When shall I bring in this biography; it is so long it would break up the letter?) The affair at Beireut, Solomon Pasha, describe him, his correspondence with Moore which I showed you, and his letter to Stephen (give the substance of them). Remarks upon Eng. humanity, suggest their laurels from Syria will be such as already grace their homes from Copenhagen, Naples, Panama, Greece, etc., etc. Remark upon old Mehemet's policy to have his unpaid troops killed off by the English. Suggest that his existence as Pasha is as necessary for the "balance of power" as is the Sultan's. Blow up the balance of power as something from which we are happily free, something which has filled St. Angelo and the dungeons of Tarsis, etc., etc. In connection with his existence being necessary mention what his present army and navy, commercial relations etc., revenues, etc., (or ought all this to come in far up, when I am discussing his improvements, his hospitals, etc., or should I omit that to the end?) and so wishing the English to the devil for their bullying interference, wind up — (I want to speak of Russia having outwitted England and what Russia has gained by this, but it is delicate ground). Now what shall I do? This looks very formidable. It is too much for a letter, I think, besides it is only what has been written a hundred times by French and English. I should be ashamed to dirty my fingers by putting them into the general mess. Pray, write me and tell me not to write a letter such as this is the skeleton of. I depend on hearing from you by the first post; in four days I shall expect your letter.

Goodbye, Yours truly,

GEORGE SUMNER.

The post leaves in a few minutes. Remember me to Mrs. Greene, send on any letters, the journals if you have any for me, at once. Send me your blank form for different governments with the filling out for the Papal State. Let me have this at once please. I should like to fill in others in the same way.

To Charles Sumner.[1]

Madrid, July 26, 1843.

My dear Charles, — It is a long time that I have been waiting in patient expectation hoping to have some news from you, but no letter has reached me later than one of three months ago. When in the South of France I met at Poitiers one of the Professors of the Faculté de Droit, who inquired after you and took the pains to call upon me to express the respect which he entertained for your noble self. Before I go any farther in a letter from Madrid, I must tell you, what you will be delighted to hear, that the reports of Mr. Irving's [2] ill health seem to have been much exaggerated in America. He is weak still, but he seems fast recovering, and the events of the past three weeks have had a most admirable effect in putting him on his legs. I am not sure indeed that a pronunciamento is not as good as Peruvian bark in restoring a weakened stomach. On the 10th [ ] at Madrid, on the 11th the Generale was beaten, and 20,000 men, the Army "patriotica e numbra valiente milicia nacional de este Army heroica ville de Madrid," were under arms; on the 14th, the attack from without was commenced and a sort of pop-gun fire was kept up for four days. Two different armies, one under [Ramon] Narvaez, and one under Aspiroz, were thundering at the gates, while the few troops faithful to the Regent [3] were scattered about the country, part of them in Andalusia, and part on their way from Barcelona. On the approach of that division, Aspiroz hauled off four days ago to give them battle, but at the moment of [victory] the Regents' troops [4] joined the rebels (who being successful became from that moment patriots), and that very evening the city proposed terms of capitulation. On Sunday the first column marched in, and that was followed up by 20,000 more on Monday, so that now Madrid has 50,000 hardened and sunburnt troops within the walls. These troops, perhaps the best in the world, looked most admirably, and their triumphant entry was a sight to behold. Browned and roasted in the burning sun of Spain, for the greater part of them have marched all the way from Barcelona or Valencia, over its shadeless plains, torn and ragged in their dress, some with one trouser leg, some with none at all, but every one erect and firm and marching with admirable step to the rude music of their bands, their appearance was really imposing. This surrendering the city settled the fate

[1] From a copy.

[2] Washington Irving, United States minister to Spain, February 10, 1842, to July 29, 1846.

[3] Baldomero Espartero.

[4] Commanded by Seoane.

of the Regent, and he has by this time probably embarked at Cadiz for England. During all this recent movement, the conduct of Louis Philippe has been most unfriendly. In the hope of realizing the boast of Louis XIV, that the Pyrenees were levelled, he has been straining every nerve to introduce a confusion in Spain which shall end in the breaking down of the constitution, and the restoration of a despotism. The marriage of the Duc d'Aumale with the young Queen Isabel, an intelligent little girl of thirteen years, his favorite project, and that question before eighteen months are over, will lead either to a general European war, or what is more probable to a European Congress. Espartero during all his time of power as Regent has kept within the letter of the Constitution, and never given any proofs of those ambitious intentions with which he has been charged by the Radical and Despotic parties (Exaltados and Moderados), who are amazed at him. He was an honest man, but unfortunately void of talent, and in his recent movements has been made a cats-paw for men, who have now deserted him. The questions which are now agitating Spain are indeed most curious for an American to study, for the base of all the recent movements has been the same as that which brought about South Carolina's nullification in 1832. The tables are, however, turned in Spain, and it is the Catalonian manufacturer who now pronounces (and he is sustained even by the agricultural [class]) against a treaty with England which shall aid in the introduction of their fabrics. Hatred to England has been indeed the watchword of all the recent pronunciamentos and "fuera la rager Anglo-ayacucho" has constantly rung out in the plazas of all the towns.

I have seen much of all these movements, having been at Vittoria and at Burgos on the days of their pronunciamientos, and at Valladolid (glorious old convent, for the town is like a great ruined convent) on the more important day when Aspiroz arrived from Madrid and took command of the army destined to besiege the capital. We were both in the same Fonda, he having arrived in the morning from Madrid, I in the evening from Burgos. After coquetting for several hours with the Ayuntamiento and the Junta Provisional, he at length at 11½ P. M. consented to take the command. Detachments from the different corps were then marched up to the Plaza in front of the inn, bearing lighted torches, guards of honor were posted near, and the different bands saluted with rich music the general who had fled from his youthful Queen, and was now preparing at the head of rebel troops, to invade her capital. As I looked out upon the sight below and listened to the shouts of these soldiers, "viva la Constitucion de 1837," "viva el Ministerio Lopez," "viva el General Aspiroz," "fuera la rager Anglo-Ayacucho"!! which

took up the intervals of the bands, I could not but think of Ximenes and how little poor Spain has changed since his day. You will remember when his powers were questioned, his pointing coolly to his armed bands in the court yard below remarking, "by those powers I govern Spain." The curse of Spain is her army, that army born from the civil war which followed the death of Ferdinand,[1] and which now covers like the poisoned mantle every part of this rich land. Spain has 138,000 troops with a host of officers indolent and ignorant, whose only hope of advancement, whose only recreation is a pronunciamiento, a rebellion. All those sights and all that eloquent music of Valladolid, I got, as my window was next to the General, free of cost and care, and during the week that I remained there, I was frequently in his company. They considered me indeed as a sort of neutral in the war of Spain, and my advice was asked about their foreign relations and internal affairs, which as Aspiroz was likely to be the first to reach Madrid, would devolve for the moment entirely on him. But in all these movements the really industrious, useful part of the population takes no part. I was at Vittoria, as I told you before, on the day it pronounced. A few leagues before entering the town, I met the Captain General with two dragoons at his back, who was on his retreat, and on entering the town some noise was going on in the Plaza Major. A portrait of the Queen was placed in front of the Casa del [ ] guarded by two of the longest moustaches to be found among the pronouncing troops, and a fellow with a moustache still longer was pouring out under this picture, patriotism in a voice most sonorous. Some shouted, but while all this was going on, tailers were thimbling away at their boards, and workmen were laying a new pavement in the very Plaza itself. "Hijos de Putas," cried out the master pavier to the patriots who ran over his newly laid stones. To do the Barbers justice, le — "largo factotum alla citta" — was on the spot, and quitting his basin (Membrino's helmet) [threw] his greasy cap among the highest.

I suppose all this will be very dull and prosaic to you, but what is written is written. Pray, tell Prescott that old Navarrete[2] who still lives on, inquired very anxiously for him and the progress of his new work, which he did not know had seen the light. Give also to Prescott the kind remembrances of Martinez de la Rosa,[3] whom I knew in Paris, coupled with his shame, that no Spaniard had forestalled him in his great work of Ferdinand and Isabella.

[1] Ferdinand VII (1784–1833).

[2] Martin Fernandez de Navarrete, author of a collection of Spanish voyages since the fifteenth century.

[3] Francisco Martinez de la Rosa, a Spanish poet.

I shall go in about two weeks to Andalusia. I should indeed have hurried away sooner, but the movements here have been most interesting to observe, and I have been keeping Mr. Irving company, who, left quite alone by the temporary absence of the Secretary of Legation, seemed not at a little contented to have an American by his side. We have inspected the militia together and his dry humor has been flowing most freely. He has become now quite disenchanted in regard to Spain, and begins to think that Spain is very much like most other countries. Indeed the meanness and treachery, and the perfidy, stooping to small objects as well as great, which have been perhaps at work for centuries in the Spanish Government, but which a constitutional form now brings more palpably before the eyes of the observer, are not certainly calculated to [ ] one for their good impressions formed at a distance, and which I believe for many things, Spain so richly deserves.

Adieu. I write in a great hurry, and I pray that your eyes may be able to interpret this scrawl. Give my kind remembrances to all those who care to remember me, and do not let so long a time go by without writing me. Yours most affectionately,

GEORGE.

P. S. You once took the liberty to print one of my private letters. Don't do so with this.

P. S. The mail goes one day earlier than I had thought, and I have scratched this off in order not to miss this steamer, hardly knowing what it contains or what I have forgotten.

P. S. The catalogue of books which Mary says you give me credit for was prepared and the preface written by Putnam, who spent most patriotically 150 pounds in having it bound up with different reviews and periodicals.

TO GEORGE W. GREENE.

BARCELONA, 8th January, 1844.

MY DEAR GREENE, — I cannot find it in my heart to reproach you for your long silence and for your failure to reply to the several letters which I have from time to time written you, for I know how fully your time is occupied, what cares weigh upon your mind, and how precious to you are the moments which others let roll on without seeking to make them profitable to their fellow men. Still, when you can find an unemployed quarter of an hour, a few lines from you, would highly gratify me, even if there were only enough of them to preserve as an autograph. You will see by my date that I am still a wanderer on the face of the earth. I have written you before at various times, and once I think, when in England. There

I remained many months, and in Scotland, and in Ireland also. In the last, I passed quite round the island, and saw with my own eyes the abject misery of the people. My first day in Dublin was spent in breakfasting in the morning with the Lord Mayor, *Dan O'Connell*, and dining in the evening with the Protestant Primate of Ireland, Archbishop Whately. I thought when the day commenced, as I considered the duties which it was to bring on, some "rhubarb, senna or purgative drugs" would be necessary to put at rest the jarring elements that were likely to be brought in contact. All, however, went off well. I mention this to show you a specimen of the opportunities which I had for observation on both sides. Whatever faults you may find in O'Connell's character, he is certainly a *great* man. *Nicolas* in Russia has not such absolute sway, as he has in Ireland. Englishmen know nothing of his power, as little indeed as they do of the continued misery and injustice which he is seeking to bring to a close. I could tell you many things of Ireland, of Irish landlords, and of Irish justice; for the Courts of Petty Sessions, where the feudal baron, under the name of *Justice of the Peace*, condemns his serf to *all but the sword*, present the clearest picture of the position of the people, and these I constantly attended.

But from Ireland to Spain. I arrived in the North of Spain at Vittoria on the very day of its *pronunciamiento* against Espartero, and rebellion seemed to follow, or rather to run just half a day before me in all my course towards Madrid. Under pretense of inquiring whether the roads would be secure, I took occasion to see all the new self-created Captains General, and *Juntas provisional de Gobierno*, of whom I could tell you many characteristic tales. Leaving *Aspiroz*, the general who finally took possession of Madrid, whom I met at Valladolid and accompanied on his march, I passed on and entered the capital, while my companion with his 6,000 troops remained ten days knocking at the gates. But enough of what I saw. You will watch with interest the course of things in Spain. She has begun her crab-like course, but is moving on at more than a crab's pace. The Cortes have already been dismissed for an indefinite term, new plans of administration are proposed sinking the *Cefes Politicos* who correspond to the *Prefets* in France, and uniting all power in the hands of the Captains General. A soldier not unlike in some points to Murat, but totally devoid of Murat's talent, is the moving spirit at Madrid.

The combination to overthrow Espartero (a man whose only merit was his bounty, but whose feebleness of character was made conspicuous the moment he was taken out of his cavalry saddle) was a most unnatural one, but still such as one not unrarely sees. The *Radicals* of Catalonia, and the *Absolutists* of Ferdinand united, and

the last have swamped their allies. Both of those parties had active relations with France; the stronghold of the former was at Barcelona itself, and here all the books from *Pognerne's*, Abbé Lamennais, etc., etc., are translated into Spanish and eagerly read. They were the admirers of the French Republicans, while the "moderados" are the favored friends of *Louis Philippe*. The union of these two parties has been just as lasting and just as cordial as one might suppose it would be.

You will have read much of the "horrible bombardment of Barcelona" by Espartero in December last, an event which the press of Louis Philippe turned to great advantage in its continued attacks upon Espartero. Van Halen threw into the town from *Moujuich* (Mons *Jovis*, or Mons *Judaicus*, for here the Doctors disagree) 815 shells and balls, and ended his business in less than 24 hours. The shells were of 10 to 14 inches diameter. Now the very men who vilified Espartero for this act have repeated it, and during three months of almost continued firing thrown into the town more than 13,000 *projectiles*. But they were not bombshells? Oh no! they were only *9-inch grenades*, thrown from well-pointed howitzers; and this difference of an inch and a name, seems quite sufficient now to gloss over any discrepancy, which a captious observer might fancy he discovered, between the preaching and practice of the gentlemen in power.

If anything could reconcile one to the backward course which things seem destined to take, it is the poor use which the Spaniards have made of their admirably written constitution of 1837, and of the liberty which they have had for some years in their hands. Intrigue, deception and jealousy seem at work on every side. The bad financial laws of Spain, bear old and unwholesome restraints upon industry, closing up as they have done the honorable paths which in other countries are open to the activities of youth, have thrown here upon the nation a mass of bustling, intriguing, selfish place-hunters, and have formed of Madrid itself a great magazine of *empleados pretendientes* and *cessantes*. It is most remarkable that in all the recent violent internal commotions of this country, not one really *great* man has been thrown to the surface. Great men, you will tell me, are rare; true, but it is under the pressure of such events as Spain has been and still is enduring, that they come forth. Every thing, however, and every man appears flippant and superficial, and half-formed. The liberty of the press is licentiousness (how different the Spanish press from the Greek) — the National Guard, a band of legalized janizaries. As a set-off to all this, Spain has ridded herself of her convents and has thinned down her priesthood. Pray pardon me this long and dull preaching.

I leave here in a few days for Marseilles, and then to Paris, where you know how happy I should be to find good news from you. My address is *chez Mm. Emerson & Cie.* I have been in almost all the provinces of Spain. At Valladolid, Burgos, Toledo, Seville and Granada. In Seville I remained a month copying papers in the *Archivos de las Indias.* Irving (who by the way, is most thoroughly disenchanted in his opinion of Spain) had got for me full permission from the government for this search. It kept me from rusting while in Seville. I pitched upon the *Florida* papers as having a special interest for us, and copying several, made a complete index of all the rest, so that when the enlightened government of the United States chooses to secure matter for its own history this index will be at its *disposicion* (I slip in a Spanish word here, for it is constantly on one's tongue in Spain — *soy a su disposicion*, etc.) and aid it perhaps in its researches. Some of the letters to Philippe II from those who went up Chesapeake Bay hunting after gold are curious enough. They all complain of the poorness of the country, and the governors of San Augustine and S. Elenes, recommend to Philip to abandon altogether the place, and send them to Mexico, "where they can better serve *His Majesty.*"

I tell you what I have been seeing, in hopes you will answer in the same way. What is going on now at Rome? Who is there, and how are the people? I have felt a thousand times for you in the position in which you are placed, in contact with so many unamiable chips of humanity. What is Crawford about now? I hope he did not jump into the Tiber or commit any other Tom-Crawfordism when the news reached Rome of the sad accident to his poor orphans. I shall remain some months quietly in Paris, and then turn my face to the West. Time and money have both rolled away and I fear small fruit is left behind. Do you remember your counsel about Russia? I have never put the idea out of my mind nor the materials out of my hand, but I feel the task too great, and day by day see my own incompetence.

Pray, remember me most warmly to Mrs. Greene and to little Charlotte. Does "that dog" Pontius Pilate, still bark under your protection? With what pleasure I look back upon those delightful walks and rambles about the Lake of Albano. I forget the shivering ague which then sometimes annoyed me, when I recall the pleasure of those days. (N. B. It was only your bad Roman air which gave me the touch of fever — since then, I have known nothing of it.) My letters from Boston are to the 15th of November. My brother Charles was well and hard at work, Longfellow happy, but blind. Have you seen Dr. Howe? Tell me, is not Greece "awake"? What

do you think of their revolution? and of *Kallergis?*[1] Of him, I think I told you something when in Rome. He is the one who, a lad of 18, formed a company of his own, which he alone paid, spending in various ways $50,000 before the war was over. It is hard to say whether or not he was entirely single-minded in this last affair, whether he intended to aid the plans of Russia, or whether he outwitted *Katakagi*. If the last, he is greater than Brutus — the [*blot*] Brutus, I mean. I have seen Kallergis scouted at and seen people turn their backs upon him because he was considered as *sold* to Russia. And this treatment he has received for *ten years*. Has he endured all this in order to gain a position to save his country?

Once more, my dear Greene, a thousand warm remembrances to Mrs. Greene and yourself, a thousand thanks for your many and long-continued attentions to me in Rome, and twice ten times as many heartfelt wishes for your health, fame and prosperity, from Your affectionate friend,

GEORGE SUMNER.

Mr. Clarence S. Brigham, of Worcester, presented the following letter to the Society:

DAVID THOMAS TO GRIFFITH EVANS.

MY DEAR COUSIN, — I have not had a line from you I dont know when, have you forgot your poor old uncle immers'd in the fatigues and troubles of a foolish perverse hairbrained world how are you? I long to hear from you, respecting your circumstances and avocation, your health and place of abode.

How does Fedralism go on in your State? does the people know the meaning of the word Fedralism, it is a very pretty word, it has a beautiful sound, it charms all the learned, the wise, the polite, the reputable, the honorable, and virtuous, and all that are not caught with the alurements of its melody, are poor ignorant asses, nasty dirty —— —— ——; reserved for future treatment agreeable to their demerrit.

my dear Cousin, lay aside all malice, and every weight of prejudice, divest yourself of every spark of party fire, and let me know some of your rotated political tricks, and the reverberated flings of your parties, what is George B: and Jonathan about; what is Bob Morris and Governier about with all their polished instruments? I hardly think they are idle, the whole American world is in an uproar, there is nothing too mean dirty and infamous for the most worthy personages to carry on the sound, which carries away the

[1] Dimitri Kalergis (1803–1867).

people any where to obtain Fedralism whose happiness and felicity can not be compared to any state below heaven itself.

I am warmly solicited to hold a pole next Election for a Seat in the Assembly, perhaps you are a stranger to the term hold the pole, of which I will inform you, viz: the Candidate stands upon an eminence close to the Avenue thro which the people pass to give in their votes, viva voce, or by outcry. there the Candidates stand ready to beg, pray, and solicit the peoples votes in opposition to their Competitors, and the poor wretched people *are much* difficulted by the prayers and threats of those Competitors, exactly similar to the Election of the corrupt and infamous House of Commons in England. at the last Election I was drag'd from my lodging when at dinner, and forced upon the eminence purely against my will, but I soon disappeared and returned to my repast; and as soon as they lost sight of me they quit voting for me. Such is the pitifull and lowliv'd manner all the elected officers of Government come into posts of honour and profit in Virginia, by stooping into the dirt that they may ride the poor people; and would you have your Uncle to divest himself of every principle of honour to obtain a disagreeable office I hope not.

my family was much afflicted with sickness the fore part of winter, a young man a Shoemaker who lived with us and our son George were long sick but recovered, and your Cousin Lydia Jury was long sick and died about the twentieth of January, much regretted. She was an agreeable member of our family since we came to Virginia.

We are all well at presant and unite in our love to you. Pray write me by every opportunity, and let me know how my little affairs in your hands stands.

from your affectionate Uncle

DAVID THOMAS.[1]

March 3d 1789.

Remarks were made during the meeting by Messrs. BRADFORD, GREEN, RHODES, RANTOUL, and T. L. LIVERMORE.

[1] The letter is addressed to Mr. Evans, Philadelphia, "To the Care of Mr. Jesse Evans."

MEMOIR

OF

JAMES McKELLAR BUGBEE.

BY EDWARD STANWOOD.

JAMES MCKELLAR BUGBEE was born in Perry, Maine, — a town on Passamaquoddy Bay at nearly the most eastern point of the United States, — on December 17, 1837. He was a direct descendant in the seventh generation from Edward Bugby, who came to America in the year 1634, in the ship "Francis," from Ipswich, England, with his wife Rebecca and a young daughter; and settled in Roxbury. James's father, William Bugbee, was a native of Perry. His mother, Deborah Bowker, by her maiden name, was a daughter of Betsey (Watts) Bowker, of Machias, who was a sister of Hannah Weston, one of the heroines of the Revolution. His mother first married James McKellar, a Scotch school teacher. After his death she married Mr. Bugbee, who, with somewhat unusual complaisance, permitted her to name her first-born son after her first husband.

William Bugbee was a farmer. Although a man of limited education, he was gifted with strong common sense and was prominent in town affairs. By industry and thrift he accumulated what was for the time and region a considerable property. The country was sparsely settled, and neighbors were few and distant. Within a radius of five miles there were not more than six families. The church, of which Mr. Bugbee was a deacon, was seven miles from his house, but was regularly attended by the family every Sunday; and the school house where James began his education at the age of four years was half a mile from any other building. He had no other schooling, up to the age of fifteen, than was to be obtained in the short winter terms of that district school. His mother died when he was

James M. Pugh

seven years old. A year or two later his father married again, but died when James was fifteen.

Soon after his father's death he came to Massachusetts, and for about three years had the benefit of attendance at a grammar school in a town near Boston. That ended his schooling, and already he had begun to earn his living in a business house dealing in French millinery on Milk Street, Boston, by which he was shortly promoted to be entry clerk. When not more than eight or ten years old, he had been regarded by his fellows in the district school in Perry, and also by his teachers, as something of a prodigy in arithmetic, and his aptness at figures now stood him in good stead. Moreover, he had already acquired a taste for reading, and his self-education was of a kind to fit him for the work which he was later to undertake and accomplish. He had the good fortune, at this time, to attract the attention of William F. Poole, the librarian of the Athenæum, who procured for him a right to the use of the library on the share of one of the proprietors, and young Bugbee passed most of his spare time in the library or in reading books procured from it in his little room on Court Street, near the Revere House.

It happened that most of the lodgers in the house were newspaper reporters, whose perhaps somewhat ostentatious familiarity with public men and public questions dazzled the young entry clerk and inspired him with a longing for a literary career. The opportunity came for him in 1858, when he was a little more than twenty years old. He was offered a position as local news reporter for the Boston Daily Courier. Although without the least training for such work, he accepted the position, and entered upon its duties in "Anniversary week," then the busiest season of the year for Boston reporters. In a brief autobiographical sketch which Mr. Bugbee left, he records his first experience at earning money by his pen otherwise than as an entry clerk:

"I fully expected to be dropped at the end of my first week; but on going to the counting room with a sealed note from the editor, I was paid twelve dollars, and was told that that was to be my weekly compensation until further orders. My satisfaction was tempered by the thought that, in two or three weeks, my ignorance would be more fully exposed and I should

be set adrift. When I thanked the editor for his extraordinary liberality, and expressed doubt of my ability to succeed, he smiled good-naturedly and said: 'Oh, you 'll come out all right if you don't get discouraged. You 've got the stuff in you for a reporter.' And as I was retiring, with a glow at my heart, he added: 'Don't write "will" for "shall" or "was" for "were" any oftener than you can help.' This cast me into the slough of despond again, and I imagined that the compositors were amusing themselves over my edited reports. I found later that my slips in grammar were not much worse than those of contributors higher up."

However that may have been, an apprenticeship in journalism with the Boston Courier of those times was the next best thing to a liberal education. George Lunt was its editor and George S. Hillard was one of its leader writers. Professor Felton, of Harvard, was a frequent contributor. The Courier was the organ of the "silk-stocking Whigs" and was a model of dignity, propriety and good English. But it was moribund. Its old-time constituency had already become greatly diminished by desertion, for the Republican party had arisen and had become powerful, and the Courier was radically conservative. In 1860 it supported the melancholy candidacy of Bell and Everett, and after the Civil War began, its sympathy with the Union cause was so mildly expressed or so discreetly withheld that it lost even the little favor it had retained until then. Bugbee had been promoted to be city editor; what that meant for such a paper as the Courier may be inferred from the fact that his authority was limited to the control of a single reporter.

In the latter part of the year 1862 Mayor Wightman, with whom Bugbee was personally unacquainted, sent for him and asked him to take the place, newly established, of Mayor's clerk. He accepted the position and then began a connection with the city government of Boston which was to continue for many years. He nevertheless still contributed dramatic and musical notices to the Courier, although ceasing to be city editor. Mayor Wightman was defeated in 1862 by Mayor Lincoln, who retained the services of Mr. Bugbee.

The office of Mayor's clerk during the Civil War was no sinecure. The regular office hours were long and there was need of much overtime work. Aside from the ordinary duties of revis-

ing the Mayor's manuscript, — and Mr. Lincoln was accustomed to write much and very hastily, — the clerk had to keep account of all the enlistments in the army that went to the credit of the city, and to disburse the money received from soldiers in the field to be sent to families, friends or creditors. On one occasion he was sent to New York to turn over the State and City bounty to those soldiers of the regular army who had offered to re-enlist to the credit of Boston's quota. They were to receive $450 each. Bugbee carried the money, about $30,000, in a hand satchel. When in New York he discovered that there were some soldiers at Fort Lafayette who would re-enlist on the same terms. Accordingly he telegraphed to the Mayor for more money. The Mayor for reply directed him to call upon the President of the Bank of North America. Upon presenting himself at the bank with his telegraphic order for funds, he discovered that no limit was placed upon the amount he was authorized to draw.

In 1866 he was elected Clerk of Committees of the Boston City Council. That position is one peculiar to Boston. Mr. Bugbee was clerk of all committees, both of the aldermen and of the common council. It fell to his duty not merely to keep a record of what was done, but practically to write all reports, orders and ordinances that needed to be prepared, and to edit and put in proper form what was written by others. It was a position that gave great opportunities. It forced the clerk to be thoroughly familiar with every branch and every detail of the city business, and made him increasingly useful as a source of information and advice the longer he retained the office. It also gave him immense influence over the decisions of the city government. It is not too much to say that during the ten years that Mr. Bugbee filled the position his real though indirectly exercised authority was greater than that of any other person at City Hall, excepting the Mayor only. How well he exercised that power is known by but few persons. What might such a position be to a corrupt person, in these days of municipal graft! Bugbee had the tact to see that it was the part of wisdom to refuse to accept any favors, however small or well meant, from any person in the city government, or from any one who was interested in any job connected with the city. By steadily adhering to that principle he succeeded

in gaining and in retaining the respect and confidence of all, both within and without City Hall.

He was much more than a clerk. The problems of municipal government interested him. He studied the systems in other cities of this country and of Europe and exerted himself to secure the adoption of improved methods. He particularly discerned the corrupting influence of government by committees, and it was through his efforts that the system was introduced of placing the business departments under the control of commissions nominated by the Mayor and approved by the Council. The plans for the transfer of the Health, Police, Fire and Water departments to such commissions originated with him and were formulated by him. He would even then have preferred the system of a single responsible head, but that was something that neither the City Council nor the General Court would have sanctioned. He expressed his full thought in the report which he wrote in 1884, as a member of the commission on the revision of the city charter; in a paper which he read before the Social Science Association, in 1880; and in the monograph on the City Government of Boston, in the fifth series of the Johns Hopkins University Studies.

Mr. Bugbee was brought into very close relations with the late Henry L. Pierce, even before Mr. Pierce was elected Mayor, in 1872. When Mr. Pierce was elected a member of Congress he asked Mr. Bugbee to be his private secretary. The offer was repeated two years later, and in 1875 Mr. Bugbee resigned his position at the City Hall and went to Washington, where he remained during the two years of Mr. Pierce's term. In December, 1877, Mr. Pierce was again elected Mayor, and Mr. Bugbee served as his clerk, returning to the post which he had quitted twelve years before. He served for a short time as a police commissioner, and this was followed by a two years' service in the General Court as one of the members from Boston. As a member of the committee of 1881 he assisted in the revision of the public statutes. In July, 1884, he was appointed by the Governor a member of the commission to prepare and administer rules relating to the civil service of the State and the municipalities, and was the chairman of the commission. At the expiration of his term, in 1886, he declined reappointment, and his long period of service to city and State came to an end.

Thereafter, and indeed a little before that time, Bugbee's activities were connected with private business. He was for three years, 1881–1884, a partner in a house of publishers of law books; for some years, beginning in 1887, the Treasurer and General Manager of the Boston Post, of which Henry L. Pierce was then the principal owner; and in 1890 he became the manager of the advertising department of Walter Baker & Co.

Beside the publications which have been already mentioned, Mr. Bugbee found time, in the midst of his engrossing occupations to write, in 1873, an article for the North American Review on "Fires and Fire Departments"; he prepared and delivered an address on "The Origin and Development of Self-government in England and the United States"; in 1875 he wrote a short account of the Battle of Bunker Hill, which was illustrated and printed, with a poem by Dr. Holmes; in 1880 he wrote the chapter on "Boston under the Mayors" for the Memorial History of Boston; and at various times he contributed to the Round Table, the Galaxy, Our Young Folks, and the Atlantic Monthly.

Mr. Bugbee was elected a member of the Massachusetts Historical Society at the November meeting in 1882. In the early years of his membership he was a frequent attendant at the meetings, and served on several committees, including that on the committee to publish the letter-books of Judge Sewall. His chief contributions to the Proceedings, aside from historical letters and documents, were memoirs of three men whom he had known well, from his connection with the city government: Mayors Samuel C. Cobb and Henry L. Pierce, and the veteran City Clerk, Samuel F. McCleary. During the last ten years his health, which was never very firm at any period in his life, prevented his active participation in our meetings.

Mr. Bugbee married, May 27, 1895, Marion C. White, daughter of Joseph Warren and Susan (Metcalf) White, born in Washington, D. C., December 22, 1868. They had three sons: James Marion, born April 14, 1896, Percy and Harold, born September 5, 1898.

We have before us a conspicuous example of what a man who has received no advantages over the poorest of his fellows can make of himself. Here was a country boy, born and reared almost in a wilderness until he had reached an age when those

who inherit opportunities are nearly fitted for college, having then no more education than was to be obtained by an annual term of a few weeks in winter at a dame's school, and for three years thereafter in an ordinary suburban grammar school. That was the end of his school education. Yet so well did he apply his studious mind to self-education that the work at which he set himself, the work which he did admirably well, for which he deserves the grateful remembrance of all who strive for higher ideals in the public service, was distinctively literary in character. He became an intelligent and capable critic and corrector of the writing of men who had enjoyed a hundred times his advantages. He exerted a powerful and permanent influence upon the system of municipal government, and pointed the way to reforms for which the public is even yet not ready. But for his excessive modesty and lack of self-appreciation, he might have aspired to much higher positions in public affairs than the comparatively humble ones to which his earnest, sincere, upright and loyal life-labors were devoted.

ANNUAL MEETING, APRIL, 1913.

THE Annual Meeting was held on Thursday, the 10th instant, at three o'clock, P. M.; the first Vice-President, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the list of donors to the Library during the last month was read by the Librarian.

The Cabinet-Keeper reported the gift of a bas-relief, in plaster, of the late Charles Gordon Greene, by Roger N. Burnham, of Boston, in 1909, from Dr. Charles Greene Cumston; of a bronze medallion of Worthington C. Ford, made by Theodore Spicer-Simson in 1911, from Mrs. Roswell Skeel, Jr.; of a bronze medal struck upon the elevation of Rt. Rev. William H. O'Connell to the Cardinalate, from Cardinal O'Connell; of a medal of New York City Hall, and several coins and store-cards, from Mr. Norcross; and of an old table, the bequest of Mrs. Caroline H. Dall, marked as follows:

This table was brought to this country in 1636, by John Crocker of Scituate, carried to Barnstable in 1639, and bequeathed to Job Crocker in 1680. It stood in one house, built of timber and adobe, from 1639 to 1870, when it was purchased by Dr. D. F. Lincoln.

In the absence of the Editor, the Vice-President reported the receipt of a collection of manuscripts from Albert Thorndike, found among the papers of his father, the late S. Lothrop Thorndike, a Resident Member of the Society. Among them are a few papers and memoranda of Hon. John Davis, of Plymouth; and a number of letters relating to the missionary work among the Indians of Martha's Vineyard and Mashpee, 1791 to 1808. Of the latter, four papers, 1791–1798, relate to the Gay Head Indians, including a letter of Benjamin Way, Governor of the New England Company in London about the

Company's farm on the island in charge of the Society in Boston for the Propagation of the Gospel among the Indians and others in North America, also a list of the Indian children at Gay Head on May 14, 1798, under eighteen years of age. The letters of special interest in the collection are those, written to the Society for Propagating the Gospel by Rev. Gideon Hawley, missionary for the Society at Mashpee, from 1805 to his death in 1807, giving an account of his labors there.[1]

Mr. SANBORN presented a photographic copy of a letter written by John Brown to Thomas Wentworth Higginson, dated at Charlestown, Virginia, November 4, 1859, sending a message to Mrs. Brown.

The VICE-PRESIDENT then said:

The marble bust of Rev. John Pierce, with the pedestal, now presented, is given by his granddaughters, Miss Agnes Blake Poor, Miss Lucy Tappan Poor and Mrs. Alfred D. Chandler. It was made by Thomas A. Carew, a Boston sculptor, and is probably a replica of the one given to Harvard College in June, 1850, by the friends of the Brookline minister, in memory of him as a graduate of the College and as Secretary of the Board of Overseers from 1816 to 1849. The Corporation records contain a communication from them with a subscription list to the amount of $450, dated June 6, 1850, and an acknowledgment of its receipt by President Jared Sparks, dated July 2, 1850. Of this bust, now in Memorial Hall, our associate and benefactor, the late John Langdon Sibley, in his Diary writes as follows:

June 1, Saturday. To-day was brought and placed in the College Library a bust of Rev. John Pierce, of Brookline, with its pedestal. It has been made since the Doctor's decease from a painting and daguerreotype, and is a good likeness, though the artist never saw him but once and then in the pulpit. To some, however, it is possible that the breadth of the shoulders may not give a correct idea of the great breadth of the original. The work was by Carew, a stonecutter, who also made the bust of Rev. John Pierpont, which was given to the library by Dr. Buckingham.

[1] The Society already possessed a large collection of Gideon Hawley MSS., a part of which was given by Samuel S. Shaw.

The granddaughters of Dr. Pierce also give four volumes in folio kept by him, giving his "Salary" from February 1, 1798 to 1849, his "Expenses" from 1802 to August 18, 1849, and "Presents" received by him during the same period, all of which are kept with the closest attention to detail and are models of accuracy.

Dr. Pierce was born in Dorchester, on July 14, 1773, graduated from Harvard University in the class of 1793, and died in Brookline on August 24, 1849. He was ordained pastor of the First Congregational Church in Brookline, on March 15, 1797, where his pastorate continued for more than half a century. He was elected a Resident Member of this Society on January 31, 1809, and at the end of a membership of more than forty years, he expressed his affection toward the Society by providing in his will for the gift of his "Memoirs," in eighteen volumes, beginning in 1803. These "Memoirs," received in 1858, after the death of his widow, written with the greatest care, contain, according to his own entry at the beginning, "transcripts of my opinions and feelings at the times when they were penned, written," as he says, "*calamo currente*," and about various public occasions when he was present, such as ordinations, installations, conventions, anniversary occasions, dedications, exhibitions, commencements, and Phi Beta Kappa, at Cambridge, giving occasionally obituary notices and accounts of extraordinary events.

Dr. Pierce, in the early part of the century, was a good type of a Congregational minister. A pastorate then covered a long period, generally a lifetime, and there was little change in ministerial settlements. Ordinations and installations were events of great concern not only in church affairs but in town matters; and Dr. Pierce's Memoirs contain many interesting entries. They reflect the theological sentiments of the community quite as clearly as Judge Sewall's Diary gives the social gossip of his day. He attended sixty-three Commencements at College, and for fifty-four consecutive years, with one exception, he "set the tune" of St. Martin's to the hymn, at the dinner.

Among my early college recollections is Dr. Pierce in the pulpit of the chapel, where occasionally he used to preach in

exchange with Dr. Francis, or Dr. Noyes. With his long white hair and dignified appearance, he had all the bearing of a typical minister of a former generation. He was born before the Revolution, and bore well his part as a connecting link between two centuries. I heard him on the last time he led the singing at the Commencement dinner, in 1848. On Commencement day, 1849, owing to the inability of Dr. Pierce to attend, Mr. Sibley, at the request of a committee of the Corporation, took his place in setting St. Martin's tune, and continued to hold it for thirty-four consecutive years.

This Library is a fitting resting place for the gifts which come now as valuable companion pieces to Dr. Pierce's remarkable collection of Memoirs.

Reginald Heber Fitz, of Boston, was elected a Resident Member of the Society.

The Vice-President remarked that, by the election of Dr. Fitz, the membership of the Society is now full, for the fourth time in seventeen months; and that before the December Meeting, 1911, this condition of membership had not existed for a long period of time.

Mr. WINTHROP, Senior Member-at-Large of the Council, read the following

REPORT OF THE COUNCIL.

It is not often that the President is absent from the annual meeting, and Mr. Adams has been faithful to the duties of his office. Receiving an invitation from the University of Oxford to deliver four lectures on the Civil War, he is now in England upon that mission. He has been President for eighteen years, and in that time has missed five of the annual meetings.

The changes in membership in the last twelve months have been as follows:

Deaths:

Resident Members.

1882, James McKellar Bugbee	Feb. 8, 1913.
1886, William Watson Goodwin	June 6, 1912.

Elections:

Resident Members.

John Spencer Bassett	May 9, 1912.
Malcolm Storer	June 13, 1912.
Edwin Francis Gay	Dec. 12, 1912.

Corresponding Members.

William MacDonald	May 9, 1912.

In the death of Alfred Baylies Page, the Society has lost a faithful and industrious assistant, who served it for nearly twenty-nine years in a number of capacities. His special interest was bibliography of Massachusetts colonial imprints, in which line he made not a few discoveries as well as solved doubtful points in issues of the press before 1700.

The Society published in November its edition of Bradford's *History of Plymouth Plantation*, in two volumes. No expense was spared in looking for material or in assuring a publication that should fittingly perpetuate this earliest full record of an English settlement in New England. The result has been generally accepted with praise, and there is every reason to believe that this will in fact be the "final word" on text, illustrations and explanations of the history of the early colonization of New England, a storehouse of information. The Winthrop volumes will follow the same general plan.

The volume of *Proceedings*, volume XLV in the series, contains the usual amount and variety of contributions. To confine the pages to original contributions would not be advisable, as it is difficult to obtain such contributions in needed number and subject. The absence of contributions by members who are connected with the history departments in the leading educational institutions in the State is noticeable. Actively engaged in the teaching of history and presumably conducting research work, it is regrettable that they do not offer for publication some results of their investigation.

The Society has a resident membership of one hundred members; the average attendance at the meetings for the past five years has been thirty-two. With nine meetings a year there is opportunity for at least twenty-five contributions in the form of original papers. This number has in some years been ex-

ceeded, but as not infrequently happens the papers are not of a nature to warrant publication, and a selection must be made. No rule of selection can be rigidly applied, but the paper should be of permanent historical value, based upon original investigation, and not of a partisan character. Of such papers the studies by Mr. Adams on the diplomacy of the Civil War may be mentioned as good examples. Intended as studies for a larger work, they embody material that has not before been published, treated in the true historical spirit.

The *Proceedings* is the proper place for printing historical documents. The available quantity of such documents is practically without limit, and this is true for the earlier as for the later periods of the history of state and nation.

So far as material for the *Collections* is concerned the Editor confesses to an excess. The Society not only possesses a great store of manuscript material which should be printed, but is made the keeper of other manuscript collections, with full authority to use them as may best advance the purposes of history. As an instance among its own collections the Pickering papers may be named. Though used by many investigators, they yet possess sufficient unused material to justify a full publication. Of the Winthrop collection only one-third has been printed, and what remains in manuscript is of great historical value not only to the history of Massachusetts, but to that of Connecticut, New York and New England. Such material should be printed; for as manuscript it remains unknown, and without an index of any description it is to all intents beyond the reach of the student. It is the same with the collections deposited with the Society, among which may be named the Wolcott-Huntington papers, and those of Henry Knox, of Jonathan Russell, of General Jacob Brown and of Marcus Morton. It is to be wished that the Society will soon be upon such a footing as will permit the printing of one volume of such collections each year, and in this manner add to the long series of important contributions it has made to every period of the history of Massachusetts. These contributions are more used every year, as the number of trained students of history increases.

The record of gifts shows how far the Society is regarded as the fit depositary of historical material. The growth is slow,

but each year adds something which in time will prove of value, and every gift suggests others. From the libraries of our late members, Prof. Henry W. Haynes and Rev. Edward H. Hall, a number of books were received, as a rule of general interest, and so strengthening the working collection of the Society. Such books of reference are needed; but the real strength of the Society's library is still to be found in its large number of colonial imprints and in books of a curious nature which a public library of a general circulation would not wish and which properly fall within our province to collect and preserve. To add to these rare and curious issues of the press is under present conditions difficult, and the Society depends now, as it always has depended, upon the generosity of its members. In accessions of manuscript material the Society maintains its high position.

During the past year the repair and binding of manuscripts and early newspapers have continued, and the results fully justify the policy and expense. This unique and valuable material is being placed beyond the ordinary dangers attending its use, and the latest and best methods are employed to render it permanently safe.

In the last year the Society prepared a memorial to the General Court on the publication of the colonial and provincial archives of the State. A bill based upon the memorial was presented in the House of Representatives, by Mr. Frederic J. Grady, representative from Dedham, and referred to the Committee on Ways and Means. That Committee gave a hearing on March 13, at which Governor Long spoke for the Society, and Mr. Lefavour and Mr. Floyd also supported the measure. Massachusetts alone of the original thirteen States has not printed, or is not printing, its archives, the richest of all in historical material, and equally valuable for New England, New York and Canadian history. There is not a file of the printed Journals of the House of Representatives to be found in the State, and no part of the papers of the General Court has been published. In this respect Massachusetts is decidedly backward.

It only remains again to state the needs of the Society for larger funds. It occupies a field in some respects unique, but even in its proper sphere of action it feels the want of a larger

endowment. The collections now in its keeping impose expensive and necessary precautions; it has a valuable reputation to sustain; and the mere cost of doing what is essential tends to increase. The subject is properly one of general interest; for the Society has in the past been supported by the liberality of its members, and it must depend upon the same liberality in the future.

REPORT OF THE TREASURER.

In presenting his annual report on the finances of the Society Mr. LORD said:

I desire to submit a brief report of the financial condition of the Society, summarizing what is set forth in greater detail in the printed report of the Treasurer.

The property of the Society may be conveniently divided as follows:

First: The land and buildings which stand on the books at $97,990.32 and are valued by the City Assessors at $196,000;

Second: The Library and Collections which have never been appraised or assessed, but whose value at a rough estimate is probably in excess of a million dollars; and

Third: The invested funds of the Society which are carried on the books as shown by the investment account at $461,854.40, and which have a present market value of approximately $536,000.

Of this sum, the two centenary funds stand at $59,881.40, of which amount $55,113.70 is the principal of the Sibley Centenary Fund and $4767.70 of the Anonymous Fund. The income of these funds must be added to the principal until the expiration of a hundred years from their receipt, or until, in the case of the Sibley Centenary Fund, the year 2002, and, in the case of the Anonymous Fund, the year 1991.

The only gift or legacy received by the Treasurer during the past year was the legacy of $1000 under the will of our former associate Professor Henry W. Haynes, which was added to the General Fund.

The gross income of the Society from all sources the past year was $26,841.81, of which $25,017.10 was the income of the

invested funds. From this must be deducted the income of the two centenary funds, which under the terms of the gift is to be added annually to the principal, amounting to $2851.49, and leaving a balance applicable to all purposes of $23,990.32.

Now the ordinary annual expenses of this Society are as follows, as appears from the report in detail:

Care and maintenance of building	$2,453.08
Salaries and wages	12,564.44
Incidentals	693.92
Making a total of	$15,711.44

and leaving a balance applicable to the publication of the *Proceedings* and the *Collections*, and to additions to the Library and Cabinet of $8278.88.

The amount expended for those purposes in 1912 was $8662.22, divided as follows:

Library and Cabinet	$927.12
Publication of *Proceedings* and *Collections*	7,735.10
	$8,662.22

or $383.34 in excess of the annual income, and which amount was charged against the accumulated income of the publication funds.

I again call attention to this condition in order to emphasize the need of a substantial addition to the permanent funds if the publications are to be carried forward in the manner contemplated, and the collections in the Library and Cabinet increased by purchases.

Report.

In compliance with the requirements of the By-Laws, Chapter VII, Article 2, the Treasurer respectfully submits his Annual Report, made up to March 31, 1913.

The special funds now held by the Treasurer are thirty in number. The securities held by the Treasurer as investments on account of the above mentioned funds are as follows:

INVESTMENTS.

SCHEDULE OF BONDS.

Chicago & West Michigan R. R. Co.	5%	1921		$14,000.00
Chicago & North Michigan R. R. Co.	5%	1931		1,000.00
Rio Grande Western R. R. Co.	4%	1939		5,000.00
Cincinnati, Dayton & Ironton R. R.	5%	1941		5,000.00
Atchison, Topeka & Santa Fé R. R.	4%	1995		14,500.00
Atchison, Topeka & Santa Fé R. R.	4%	1995	"adjustment"	9,000.00
Chicago Jct. & Union Stock Yards	5%	1915		13,000.00
Oregon Short Line R. R. Co.	5%	1946		10,000.00
Oregon Short Line R. R. Co.	4%	1929		10,000.00
Lewiston-Concord Bridge Co.	5%	1924		12,000.00
Boston & Maine R. R. Co.	4½%	1944		6,000.00
American Tel. & Tel. Co.	4%	1929		10,000.00
Northern Pacific & Gt. Northern R. R.	4%	1921	"joint"	50,000.00
Kansas City Stock Yards Co.	5%	1913	"convertible"	12,000.00
Long Island R. R. Co.	4%	1949		6,000.00
New York Central & Hudson River R. R.	4%	1934		15,000.00
Bangor & Aroostook R. R. Co.	4%	1951		10,000.00
Detroit, Grand Rapids & Western R. R.	4%	1946		2,000.00
Fitchburg R. R. Co.	4%	1927		9,000.00
Kansas City, Clinton & Springfield R. R.	5%	1925		3,000.00
Lowell, Lawrence & Haverhill St. R. R.	5%	1923		2,000.00
West End Street Railway Co.	4%	1915		6,000.00
Washington Water Power Co.	5%	1939		10,000.00
United Electric Securities	5%			24,000.00
Blackstone Valley Gas & Elec. Co.	5%	1939		10,000.00
Western Tel. & Tel. Co.	5%	1932		5,000.00
Consolidated Gas & Elec.Co.of Baltimore	5%	1913		6,000.00
Seattle Electric Co.	5%	1929		5,000.00
New England Cotton Yarn Co.	5%	1929		5,000.00
Detroit Edison Co.	5%	1933		5,000.00
U. S. Steel Corporation	5%	1963		5,000.00
Boston Elevated Railway	5%	1942		8,000.00
New England Tel. & Tel. Co.	5%	1932		10,000.00
United Zinc & Chemical Co. (with 60 shares pfd., and 60 common)	5%	1928		30,000.00
			Par value	$347,500.00

SCHEDULE OF STOCKS.

50	Merchants National Bank, Boston	$5,000.00
50	National Bank of Commerce, Boston	5,000.00
50	National Union Bank, Boston	5,000.00
50	Second National Bank, Boston	5,000.00
50	National Shawmut Bank, Boston	5,000.00
35	Boston & Albany R. R. Co.	3,500.00
25	Old Colony R. R. Co.	2,500.00
25	Fitchburg R. R. Co. Pfd.	2,500.00
150	Chicago Jct. Rys. & Union Stock Yards Co. Pfd.	15,000.00
75	American Smelting & Refining Co. Pfd.	7,500.00
158	Atchison, Topeka & Santa Fé R. R. Co. Pfd.	15,800.00
302	Kansas City Stock Yards Co. Pfd.	30,200.00
10	Cincinnati Gas & Electric Co.	1,000.00
6	Boston Real Estate Trust	6,000.00
5	State Street Exchange	500.00
120	Pacific Mills	12,000.00
52	Puget Sound Traction Light and Power Co. Pfd.	5,200.00
5	" " " " " " " Common	500.00
1218	Shares Par value	$127,200.00

SCHEDULE OF NOTES RECEIVABLE.

G. St. L. Abbott, Trustee, Mortgage 6%	$6,000.00

SCHEDULE OF SAVINGS BANK BOOKS.

M. A. Parker Fund	$1,078.71
Brattle St. Church Model Fund	187.71
	$1,266.42

RECAPITULATION.

Bonds, par value	$347,500.00
Stocks, par value	127,200.00
Note receivable	6,000.00
Savings Bank Books	1,266.42
	$481,966.42

Represented by Balance, Investment account $461,854.40

The balance sheet follows and shows the present condition of the several accounts:

BALANCE SHEET, March 31, 1913.

Investment Account, Exhibit I	$461,854.40	Funds, Exhibit III	$424,460.10
Real Estate	97,990.32	Accumulated Income of Funds, Exhibit IV	46,359.77
Cash on hand Exhibit II	8,965.47	Building Fund	72,990.32
		Ellis House	25,000.00
	$568,810.19		$568,810.19

EXHIBIT I.

INVESTMENT ACCOUNT.

Balance March 30, 1912		$464,197.45
Bought during year:		
$6000 United Electric Securities, Series 31	$6,000.00	
7000 " " " "	7,000.00	
25 Natl. Shawmut Bank	3,000.00	
3000 United Electric Securities, Series 36	3,000 00	
2000 New England Tel. & Tel. Co , 5%, 1932	2,000.00	
8000 " " " " " "	8,080.00	
2 Shares Puget Sound T L. & P. Co., Pfd.	200.00	
8000 Boston Elevated Ry. Co., 5%, 1942	8,000.00	
30 Shares Pacific Mills	3,000.00	
3000 United Electric Securities, Series 23	3,000.00	
Accrued Interest M. A. Parker Savings Bank Book	39.33	
" " Brattle St. Church Model Bank Book	6.82	
Total Addition		43,326.15
		$507,523.60
Securities sold or matured:		
$5000 Maine Central R. R. 4½%, 1912	$5,000.00	
1000 United Electric Securities, Series 30	1,030.00	
7000 Chicago, Burlington & Quincy, 4%, 1921	7,000.00	
Rights Natl. Shawmut Bank	2,405.79	
3000 United Electric Securities, Series 22	3,060.00	
50 Shares State National Bank	10,000.00	
Rights on 5 shares Puget Sound T. L. & P. Co.	2.00	
Adjustment Kansas City Stock Yards Co.	3,020.36	
Paid on account note G. St. L. Abbott Tr.	4,000.00	
Sale Fractional Currency	2.25	
4000 Consolidated Gas & Electric Co., Baltimore, 1913	4,000.00	
6000 United Electric Securities, Series 31	6,148.80	
Total Deduction		45,669.20
Balance, March 31, 1913		$461,854.40
Decrease during year	$2,343.05	

EXHIBIT II.

Cash Account.

Balance on hand, April 1, 1912			$3,154.27
Receipts during year to March 31, 1913:			
Sale Publications		$1,652.91	
Royalties, Little, Brown & Co.		12.62	
Rebate on express		.88	
Income from Investments, net		24,970.95	
Interest on Savings Bank Books		46.15	
" on Bank Balances		153.84	
" from Parkinson & Burr		4.46	
Total Income credited Funds, Exhibit V			26,841.81
Bequest of Henry W. Haynes			1,000.00
Securities sold or matured, Exhibit I			45,669.20
			$76,665.28
Payments during year to March 31, 1913:			
Investment Account, Securities bought		$43,280.00	
Interest, Savings Bank Books, not drawn		46.15	
Total additions, Exhibit I		$43,326.15	
Income Account:			
Bindery	$1,139.50		
Binding	78.15		
Books, Pamphlets and Manuscripts	486.87		
Building:			
Cleaning $249.41			
Engineer 1,032.00			
Fuel 628.05			
Furniture 19.25			
Lighting 94.24			
Repairs 239.45			
Supplies 9.70			
Telephone 107.98			
Water 73.00	2,453.08		
Portraits and Medals	362.10		
Postage	152.10		
Printing:			
Publications,			
Proceedings, vol. 45 $1,295.02			
" " 46 815.57			
Illustrations and Reprints 595.60			
Collections:			
Bradford's History 4,947.63			
Miscellaneous 81.28	7,735.10		
Salaries:			
Librarian's Assistants $4,994.94			
Editor and Assistants 5,830.00	10,824.94		
Stationery	109.54		
Carry forward	$23,341.38	$43,326.15	$76,665.28

CASH ACCOUNT — *Continued.*

Brought forward	$23,341.38	$43,326.15	$76,665.28
Treasurer's office:			
Bond	$25.00		
Bookkeeper	600.00		
Office Expenses	6.55		
Public Accountant	25.00		
Safety Vault	50.00	706.55	
Miscellaneous		325.73	
Total, charged Funds, Exhibit V		$24,373.66	
Total Payments			67,699.81
Balance on hand, March 31, 1913			$8,965.47
Accounted for as follows:			
Balance April 1, 1912		$3,154.27	
On investment account, Exhibit I		2,343.05	
Receipts for year	$26,841.81		
Expenditures	24,373.66		
Excess Receipts		2,468.15	
Bequest of Henry W. Haynes		1,000.00	
		$8,965.47	

EXHIBIT III.

INCREASE OF FUNDS IN YEAR 1912–1913.

Amount of Funds, March 30, 1912	$420,608.61
Added during year:	
Additions to Centenary Funds:	
Anonymous Fund	227.03
J. L. Sibley Fund	2,624.46
Addition to General Fund:	
Bequest of Henry W. Haynes	1,000.00
Total of Funds March 31, 1913	$424,460.10

EXHIBIT IV.

ACCUMULATED INCOME OF FUNDS.

Balance Accumulated Income, March 30, 1912	$46,743.11
Income during year, Exhibit II	26,841.81
	$73,584.92
Expenditures, Exhibit II	24,373.66
	$49,211.26
Less additions to Centenary Funds	2,851.49
Balance, March 31, 1913	$46,359.77

EXHIBIT V.

INCOME AND EXPENDITURES OF FUNDS FOR THE YEAR ENDING MARCH 31, 1913.

	Balance Mar.30,'12	Income	Expenditures	Balance Mar.31,'13	Funds
Amory	$1,844.42	$187.18	$180.00	$1,851.60	$3,000.00
Appleton	6,403.36	761.39	689.50	6,475.25	12,203.00
Bigelow	530.72	124.79	80.68	574.83	2,000.00
Billings	2,849.17	623.93	595.60	2,877.50	10,000.00
Brattle St.	80.89	6.82		87.71	100.00
Chamberlain	68.09	76.90	73.00	71.99	1,232.33
Dowse	21.11	623.93	600.00	45.04	10,000.00
Ellis	268.24	1,975.67	1,638.54	605.37	31,666.66
Frothingham	2,692.39	187.18	175.00	2,704.57	3,000.00
General	901.72	2,875.36	3,675.65	101.43	45,427.43
Hunnewell	476.67	311.97		788.64	5,000.00
Lawrence	1,378.39	187.18	100.00	1,465.57	3,000.00
Lowell	382.06	187.18	175.00	394.24	3,000.00
Mass. Hist. Trust	5,223.06	623.93	532.90	5,314.09	10,000.00
Parker	10.47	39.33	24.08	25.72	1,000.00
Peabody	40.36	1,609.51	815.57	834.30	22,123.00
Salisbury	60.16	311.97	259.95	112.18	5,000.00
Savage	356.78	374.36	131.90	599.24	6,000.00
C. A. L. Sibley	224.43	1,404.44	1,545.71	83.16	22,509.48
J. L. Sibley	7,043.07	8,409.76	10,470.17	4,982.66	121,077.00
Slafter	98.46	62.39		160.85	1,000.00
Waterston No. 1	1,745.24	311.97	433.28	1,623.93	5,000.00
Waterston No. 2	4,163.65	693.93	595.90	4,261.68	10,000.00
Waterston No. 3	2,378.01	693.93	599.12	2,472.82	10,000.00
Waterston Library	390.22	241.88	108.75	523.35	3,875.14
R. C. Winthrop	5,453.92	623.93	431.72	5,646.13	10,000.00
T. L. Winthrop	322.70	147.54	140.00	330.24	2,364.66
Wm. Winthrop	1,335.35	311.97	301.64	1,345.68	5,000.00
Balance, Mar. 30, 1912	$46,743.11				
Income	23,990.32	$23,990.32			
	$70,733.43				
Sibley Centenary		2,624.46			55,113.70
Anonymous Centenary		227.03			4,767.70
Total Income		$26,841.81			
Expenditures	24,373.66		$24,373.66		
Balance, Income	$46,359.77			$46,359.77	
Total Funds					$424,460.10

The income for the year derived from the investments and credited to the several funds in proportion to the amount in which they stand on the Treasurer's books was six per cent on the funds.

The real estate, which is entirely unincumbered, stands on the books at $97,990.32, but is valued by the City Assessors at $196,000. The aggregate amount of the permanent funds including unexpended balances represented by securities at par and deposits is $481,966.42, as per schedules of investments given above.

ARTHUR LORD,
Treasurer.

BOSTON, April 1, 1913.

REPORT OF THE AUDITING COMMITTEE.

The undersigned, a Committee appointed to examine the accounts of the Treasurer of the Massachusetts Historical Society as made up to April 1, 1913, have attended to that duty, and report that they find that the securities held by the Treasurer for the several funds correspond with the statement in his Annual Report.

They have engaged the services of Mr. Gideon M. Mansfield, a Certified Public Accountant, who reports to them that he finds the accounts correctly kept and properly vouched, that the balance of cash on hand is satisfactorily accounted for, and that the trial balance is accurately taken from the Ledger.

HAROLD MURDOCK,
HENRY H. EDES,
Committee.

BOSTON, April 7, 1913.

REPORT OF THE LIBRARIAN.

The LIBRARIAN reported that during the year there have been added to the Library:

	Given	Bought	Total
Books	873	111	989[1]
Pamphlets	1198	22	1220
Newspapers, bound			5
Manuscripts, bound	13	1	34[2]
Pieces	169	53	222
Broadsides	34	50	84
Maps	36		

[1] 5 made up by binding. [2] 20 made up by binding.

In the collection of manuscripts there are now 1305 volumes, 192 unbound volumes, 108 pamphlets with manuscript notes, and 17,571 manuscripts.

Of the books in the Rebellion Department, 9 volumes have been given and 1 bought; and of the pamphlets added, 16 have been given and 1 bought. There are now in this collection 3532 volumes, 6596 pamphlets, 510 broadsides and 111 maps.

The Library now contains 54,977 volumes, 116,473 pamphlets and 4997 broadsides.

The Library sustained a loss during the year in the death of Alfred Baylies Page on August 9. He first became connected with the Library on October 12, 1883, and had been an assistant for nearly twenty-nine years. This is the first death in the Library staff during a period of more than threescore years.

Report of the Cabinet-Keeper.

The Cabinet-Keeper reported the following additions to the Cabinet during the past year:

Paintings:

Joseph Willard, by Mrs. Lilla Cabot Perry (*Proceedings*, xlv. 579).

Engravings:

George Washington, by Ormsby (p. 1, *supra*).
John Quincy Adams, after Copley (p. 253, *supra*).
Jonathan Boucher, and Myles Cooper (p. 253, *supra*).
William Stedman, by St. Memin (p. 303, *supra*).
First Church, Boston, by C. J. Watson (p. 303, *supra*).
Christ Church, Boston, by Axel H. Haig (p. 303, *supra*).
Christian Remick's Boston Harbor, 1768, by S. L. Smith (p. 339, *supra*).
Of distinguished men (p. 339, *supra*).

Photographs:

Portrait of George R. Minot (*Proceedings*, xlv. 577).
Miniature of William Hickling (*Proceedings*, xlv. 577).
Portrait of Caleb Cushing (*Proceedings*, xlv. 627).
Portrait-sketch of Martha Washington, by Alexander Hamilton (p. 175, *supra*).
Photographs and engravings (p. 175, *supra*).
Daguerreotype of Daniel Webster (p. 241, *supra*).
Watch and seals of Cotton Mather (p. 253, *supra*).

Medals:

Phi Beta Kappa medal, Psi Upsilon pin, etc. (p. 241, *supra*).

Gold medal, 100th anniversary of American Independence (p. 253, *supra*).

Medals and coins relating to Massachusetts (p. 303, *supra*).

Cardinal O'Connell (p. 379, *supra*).

Medallion of Worthington C. Ford, by T. Spicer-Simson (p. 379, *supra*).

New York City Hall, and coins and store-cards (p. 379, *supra*).

Other Objects:

Note, Massachusetts Bay, 1780 (*Proceedings*, XLV. 577).

Fieldglass and watch of General John Thomas (p. 1, *supra*).

Watch of Mather Byles (p. 249, *supra*).

Table of Thomas Jefferson (p. 253, *supra*).

United States fractional currency (p. 253, *supra*).

Bust of Noah Webster (p. 303, *supra*).

Bust of Rev. John Pierce (p. 380, *supra*).

Bas-relief of Charles Gordon Greene (p. 379, *supra*).

Table of John Crocker, 1636 (p. 379, *supra*).

During the year the restoration of the portrait of Increase Mather has been completed by Mr. H. D. Murphy.

The Council has appointed Dr. Malcolm Storer as the Curator of Coins and Medals, in the department of the Cabinet-Keeper; and he has submitted the following note:

The collection of coins and medals of the Society now numbers some 3900 specimens. It has been thought wise to specialize as much as possible in the direction of pieces dealing directly with the numismatic history of Massachusetts, and accordingly there have been purchased this year about 100 Massachusetts coins and medals, bringing the number of such pieces in our collection to 263. It is proposed to continue to acquire Massachusetts medals as opportunity shall offer.

In the absence of Mr. GAY, Mr. SWIFT, for the Committee, read the following:

REPORT OF THE COMMITTEE ON THE LIBRARY AND THE CABINET.

The Committee appointed to inspect the Library and the Cabinet has performed its duties and now submits the customary report.

Under the courteous escort of Mr. Norcross, the Cabinet-Keeper, and of Mr. Tuttle, the Assistant Librarian, we examined such details as seemed necessary to our purpose. The Library shows a gratifying improvement as regards the appearance of the books and other material on the shelves. Much of this material is unbound and difficult to arrange so that the shelves shall present a neat and well-maintained appearance, but the result of careful handling and collocation is excellent. In the main stack where the principal manuscript collections are kept the temperature seemed cool and dry, and thus well fitted for proper preservation of such valuable possessions. The other stack, over the working room of the institution, also shows a gain in physical condition, there now being very little woodwork to menace our property in case of fire. As long as fire is a conceivable, however improbable, fact, every possible means should be devised to protect particularly the irreplaceable documents in our possession. We make no definite recommendations in this direction, but it has seemed to us that a few large strong canvas bags arranged so that they could be slung from windows and lowered with ropes which should accompany such bags, might be worthy of consideration. Such sets as the Heath and Pickering collections could be quickly packed into such receptacles, and lowered or dragged down the stairways.

The growth of the Library as a whole is still slow, five hundred volumes representing the average yearly increment. It would be a grave mistake to rest too largely on past renown with the idea of sustaining the reputation which the Society still enjoys. Sooner or later there must be a considerable reinforcement of the present admirable collection, if the Society wishes to increase or even to maintain its standing as an institution to which modern scholars may hopefully resort.

But such suggestions as these have no particular application to the past year, during a large part of which the Librarian, Dr. Green, has been prevented from putting into operation such activities as he may have had in mind.

Our rather hurried inspection of the Cabinet, which includes the collection of coins and medals, and the assemblage of portraits and other objects of historical interest and value, gave rise to several reflections. Such possessions stand, in the general opinion, and perhaps in the opinion of most members, as

"curiosities." They are, as a matter of fact, more than this. But regarded in this light, their chief purpose remains unfulfilled if they cannot be seen and admired. We, therefore, think it would be well if our small but excellent collection of coins and medals, or at least some of its most interesting examples, could be placed where it could be looked at, without disturbing an official to show it.

The room or museum on the first floor is quite a different problem. Your Committee understands that eventually more space will be provided back of the present over-crowded room. But meanwhile the existing situation calls for some consideration. During recent years it has been a commendable practice in the public schools of Boston to take small bodies of pupils under the escort of a teacher to visit the various historic spots and institutions in the city. Hardly a day passes that groups of children do not have an opportunity to see the State House, the Old State House (including the rooms of the Bostonian Society), the Public Library, and other well-known spots. We hazard the statement that the very existence of our own historic museum is practically unknown to the majority of Boston teachers. But even though they were well informed on this matter, we are in no condition to welcome young visitors, were the President of the Society to invite by a circular letter all teachers to afford their scholars an opportunity to see what we have to interest and inform them. The objectivation of history may have no great interest for mature minds, but it certainly has for young people. It would be an excellent thing for this ancient Society to open its treasures in this way.

A grouping of our historical relics ought some day to be made a serious task. At present there is no arrangement by epochs or by subject. A grouping, for instance, of articles of household use and wear, of warlike implements, and other classifications might be profitably carried out. Or, we might arrange the objects into Colonial, Provincial, Revolutionary and other groups. Something might be done even now by eliminating a number of objects of secondary interest, and by retaining only the best examples for public display, until we have more room. It has appeared to your Committee, for instance, that our collection is sufficiently provided with cannon-balls; some of them might advisedly be removed to a reserve collec-

tion. We are aware that it costs a pang to do away with anything that we have long been accustomed to see, but all growing museums and galleries have had to face this problem, and by selection have greatly improved the working value of their collections. By a little firmness we could greatly improve our small but valuable array. More room might be made in the centre of this display room by placing the large frames, containing engravings, etc., in the main entrance hall.

To these details, pointing to improvement through elimination, we respectfully and in no spirit of hostile criticism call the Society's attention.

EDWIN F. GAY,
LINDSAY SWIFT, } *Committee.*

Mr. LOVERING, for the Committee to nominate Officers for the ensuing year, made a report, upon which a ballot was taken.

The officers are as follows:

President.
CHARLES FRANCIS ADAMS.

Vice-Presidents.
SAMUEL ABBOTT GREEN.
JAMES FORD RHODES.

Recording Secretary.
EDWARD STANWOOD.

Corresponding Secretary.
WILLIAM ROSCOE THAYER.

Treasurer.
ARTHUR LORD.

Librarian.
SAMUEL ABBOTT GREEN.

Cabinet-Keeper.
GRENVILLE HOWLAND NORCROSS.

Editor.

WORTHINGTON CHAUNCEY FORD.

Members-at-Large of the Council.

ROBERT SAMUEL RANTOUL.
MARK ANTONY DEWOLFE HOWE.
WILLIAM VAIL KELLEN.
FREDERICK JACKSON TURNER.
GAMALIEL BRADFORD, JR.

Mr. SANBORN suggested the advisability of printing a list of the manuscripts in the possession of the Society, and the matter was referred to the Council.

Professor CHANNING made some interesting statements as to the cost of living in the nineteenth century based upon the account books of the Rev. John Pierce, of Brookline, now in the Society's possession.

Remarks were made during the meeting by Messrs. SANBORN, J. C. WARREN, and RHODES.

MAY MEETING.

THE stated meeting was held on Thursday, the 8th instant, at three o'clock, P. M.; the first Vice-President, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the list of donors to the Library during the last month was read by the Librarian.

The Cabinet-Keeper reported the gift of the sword which belonged to Major-General Artemas Ward, from his great-grandson Carlos A. Ward, of Valparaiso; of several United States gold coins and Rebellion tokens, from Mr. Norcross; of two photographs of General Robert E. Lee, and one of Mrs. Lee, from Mr. Bradford; and the purchase of one hundred and forty Massachusetts coins, by Dr. Storer, for the Society. He also reported the loan, by Mr. Bradford, of a miniature water-color portrait of his great-great-grandfather Colonel Gamaliel Bradford, drawn by his fellow soldier Kosciuszko.

The Corresponding Secretary reported the receipt of a letter from Reginald H. Fitz accepting his election as a Resident Member of the Society.

The Recording Secretary reported from the Council the appointment of the following committees:

House Committee: Grenville H. Norcross, Samuel S. Shaw, and Worthington C. Ford.

Finance Committee: C. F. Adams, Grenville H. Norcross, and Charles P. Greenough.

The Vice-President appointed as the Committee to publish the *Proceedings* of the Society: C. F. Adams, James Ford Rhodes, and Edward Stanwood.

It was voted that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury, to be expended on such objects as to the Council of the Society may seem desirable.

The VICE-PRESIDENT then presented a copy of several old documents and of an Orderly Book, kept before and at the very beginning of the Revolutionary War. The originals belong to Mrs. Mary Lowe (Poole) Harlow, widow of Edward D. Harlow, of Ayer; and by her courtesy he was allowed to use them. These papers have been in her family for a long period of time. The Library already has a dozen or more copies of similar documents, some of which have been already printed.[1]

Mr. WINSLOW WARREN, in submitting the following papers, said:

Mr. Richard W. Hale of this city has handed me some letters and memoranda written by his grandfather, Salma Hale, who was the father of our late member, George S. Hale, and first President of the Cheshire Railroad Company, a Member of Congress from New Hampshire, author of Hale's *History of the United States* and one of the Trustees of Dartmouth College, a body pronounced unconstitutional in the famous Dartmouth College case. They are so interesting in their detailed accounts of Jefferson and references to John Adams, that I submit them for publication, reading certain portions of them of special importance.

The first one is an original letter from Salma Hale to his father, David Hale, dated Charlottesville, May 5, 1818, containing a short description of Virginia and a reference to a visit to Mr. Jefferson. The next is from Salma Hale to Hon. Arthur Livermore, Holderness, New Hampshire, and dated Richmond, May 16, 1818. After a description of Virginia and of a Mr. Pope of Powhatan whom he met, he gives a vivid account of Mr. Jefferson's appearance and way of living at Monticello.

Next are memoranda of Salma Hale, in which he gives a very striking interview with a loyalist whose name is not stated, concerning John Adams, and also an account of his interviews and conversations with Jefferson, and particularly with reference to John Adams.

The last one is a copy of a letter from Jefferson to Salma Hale, dated Monticello, June 26, 1818. The original was in the

[1] The Orderly Book begins April 28, 1775, and runs to July 7, and is the same in contents as that printed in 1 *Proceedings*, XV. 93.

possession of Mrs. Harry Hibbard, whose husband was prominent in the Franklin Pierce administration. It may be now in the possession of the New Hampshire Historical Society.

I also submit a letter to me from our President, Mr. Adams, and take the opportunity to print a letter from John Adams dated April 1, 1756. It is one of two letters from John Adams to a classmate, Charles Cushing, then teaching school in Newbury, printed in the *Nantucket* (Mass.) *Gazette*, in 1817. They were reprinted in the *Boston Daily Advertiser*, March 5, 1817. They were used in part by Charles Francis Adams in the *Works of John Adams* (I. 29, 36), together with a letter from Charles Cushing, the younger, on the unauthorized publication in 1817.

Salma Hale to David Hale.

Charlottesville, May 5, 1818.

Dear Sir, — I am now in the heart of Virginia about 2 miles from the residence of Mr. Jefferson. I have travelled thro a poor country, and over bad roads, and feel a little the worse for the toil.

To-morrow I shall visit Mr. Jefferson to whom I have a letter of introduction. I shall then look around me a little and return home as quick as possible.

The principal part of Virginia thro which I have travelled is a level sandy pine plain, there are many log huts, and a very few good houses, not near so many as in the county of Cheshire, excepting in Richmond. The chimneys are at each end, and outside.

The land yields ten or fifteen bushels of corn to the acre, and about as much wheat. Every step I take makes me love New Hampshire better.

Yours

S. Hale.

May 7. I have just returned from visiting Mr. Jefferson, with whom I have spent a very agreeable day. He appears to be very rich, has a large brick house on the top of a mountain, and lives happy and contented.

[Addressed] Free
S. Hale M. C.

Mr. David Hale.
Alstead
New Hampshire.

SALMA HALE TO ARTHUR LIVERMORE.[1]

RICHMOND, VIR., May 16, [18]18.

DEAR SIR, — A few days ago I returned from an excursion into the interior of Virginia, having been absent a fortnight. Five or six days I spent with a Mr. Pope, a lawyer and planter, of Powhatan, one day at Monticello, and two at Barboursville, and during the whole time was as happy, as cordial and elegant hospitality could make a stranger. Mr. Pope is a brother of the Mr. P. mentioned by Mr. Wirt in his preface,[2] and spent several days at Washington during the Session. He is not remarkable for talents, but is all life and laughter, and is well known throughout Virginia for his convivial humour. Mr. Jefferson I found on the top of his mountain surrounded with curiosities, and himself not the least. The base of Monticello is five or six miles in circumference, and entirely covered with a thick forest. On the summit is a plain of four or five acres, in the center of which stands the house, which is of brick, and exposed to every wind that blows. On three sides is a prospect extending fifty, seventy, and one hundred miles mostly over a level and cultivated country. Mr. J. does not appear to have suffered much from age. He is cheerful, social, and unreserved — talked of politics some but of literature and religion more. Of Gov. Langdon, he spoke with great respect, but regretted that in his old age he had become gloomy and unhappy. His house is filled with paintings and Indian relics, and a view of his rooms affords as much gratification as of a museum.

Barboursville is a most elegant retreat in the midst of the mountains. The Gov.[3] has a large plantation — say 5000 acres, — and more than one hundred negroes. Last year he sowed 750 bushels of wheat, and had not the fly committed devastation, would have reaped 8000. Of tobacco and corn he raised good crops. I do not think that he has much disposable wealth, as his object appears to be to improve and embellish his plantation which is new. In this employment he appears to live cheerful, contented and happy. Here I heard yankee doodle played delightfully on a piano, and it brought to my recollection the celebrated Swiss song of Ranz des Vaches.

I have had a good opportunity to become acquainted with the Virginia character. Take the people *en masse*, and they are not so estimable as the yankees. The best are perhaps better. The

[1] Son of Samuel Livermore. Thwing, *The Livermore Family of America*, 144.
[2] Nathaniel Pope. Wirt, *Sketches of the Life and Character of Patrick Henry*, vi.
[3] James Barbour (1775–1842).

soil is far from fertile, and it would be impossible for a family to live on one hundred acres as they do in N. H.

In a day or two I shall commit myself to the winds and waves, — which a wise ancient observed was one of the three follies he had been guilty of. I *reckon* he had been sea sick. I hope I shall arrive at home in season to be at Concord. Whom shall we make Senator?[1] Will not Plumer want it? I presume he cannot get it but I hope we shall have some one who will do honor to the State.

The Season is uncommonly late here. Winter yet lingers, and the farmers, and all others look sad. Perhaps I have seen Virginia at an inauspicious moment, but its aspect now does not make me regret that my lot was cast in New Hampshire. With great regard

Your Obdt Servt.

S. HALE.

[Addressed] Free S. HALE M. C.
Hon. ARTHUR LIVERMORE
Holderness
New Hampshire

MEMORANDA BY SALMA HALE.

I.

In a journey to the southward I fell in company with an aged and respectable gentleman, a native of one of the middle states, who in our revolutionary war, espoused the cause of his king, and held an important post in the royal army. He conversed freely of his principles and motives, and appeared to have been well acquainted with the events of that period. "It has been disputed," said I, "where the Revolution originated, in Massachusetts or Virginia. What was the opinion of the royalists of that period, and what is yours?" "That it originated in Massachusetts, most certainly," was his reply. "And if I were to state who, in my opinion contributed most to bring on the contest, I should name John Adams, who was afterwards your president. Concerning him, I will relate an anecdote. He came into notice during the administration of governor Bernard, and distinguished himself by his resolute opposition to many of his measures. The attorney general, Sewall, was however his bosom friend. At that time the office of Justice of the Peace, was on many accounts advantageous to a young man, and with the knowledge of Adams, the attorney general requested Ber-

[1] Jeremiah Mason resigned in 1817, and Clement Storer was chosen in his place, taking his seat December 5, 1817. In 1818 John F. Parrott, of Portsmouth, was elected.

nard to appoint his friend to that office. The governor expressed his desire to oblige Mr. Sewall, but observed, "This young man has ranked himself with my opponents. He denounces and endeavors to thwart my measures and those of the ministry. I could not justify it to my sovereign to bestow a favor upon such a person. And I wish you to tell him from me, that *so long as he continues to oppose me and the ministry*, he must expect no promotion." Sewall conveyed the message to Adams. "Then tell the governor from me," replied the latter, "that I will not change my course, but will raise such a flame in the province, as shall expel him from it, and all royal rule from America." The truth of this anecdote has been confirmed to me by another respectable gentleman, who was then a student in the office of Mr. Sewall.

In the year 1818, I paid a visit to Mr. Jefferson, in his retirement at Monticello. During the visit, the credibility of history became a topic of conversation, and we naturally adverted to that of our own country. He spoke with great freedom of the Patriots and heroes of our revolution, and of its gloomy and brilliant periods. I will give the substance of a part of his remarks. "No correct history of that arduous struggle has yet been, or ever will be, written. The actors in important and busy scenes are too much absorbed in their immediate duty, to record events, or the motives and causes which produced them. Many secret springs, concealed even from those upon whom they operate, give an impulse to measures which are supposed to be the result of chance; and a fortuitous concurrence of causes is often attributed to the concerted plan of leaders who are themselves as much astonished as others at the events they witness. They who took an active part in those important transactions can hardly recognize them as they are related in the histories of our revolution. That of Botta, an Italian, is the best. In all of them, events are misrepresented, wrong motives are assigned — justice is seldom done to individuals, some having too much, and some too little praise. The private correspondence of three or four persons in different official stations at that time, would form the best history. I have heard that Mr. Adams is writing something on the subject. No one is better qualified than he to give to the reader a correct impression of the earlier part of the contest. No history has done him justice, for no historian was present to witness his conduct in the Continental Congress. In his zeal for independence he was ardent; in contriving expedients and originating measures he was always busy; in disastrous times, when gloom sat on the countenances of most of us, his courage and fortitude continued unabated, and his animated exhortations restored confidence to those who had wavered. He seemed to forget

every thing but his country and the cause which he had espoused. I must, however, say that I always thought him less fond of the principles of enlarged liberty, than of independence; but the experience of the last thirty years has perhaps convinced him that, to accomplish any good purpose, the government we have established is strong enough." H.

[Endorsed] "Conversation with Jefferson."

II.

1818. (Richmond and Monticello between Sessions.)

Once when at W[ashington] in 1818 having learnt that Mr. Charter, my former partner in the printing business at Walpole [New Hampshire], resided at Richmond, and never having seen the ocean except once or twice from its shore, I determined to visit that city, and return home to Boston by water. On my way thither, I called on a gentleman Mr. Pope, whom I had before seen; and from him I learned that the residence of Mr. Jefferson was not far distant. I expressed a desire to see him and he very civilly offered me a letter of introduction. The next day I rode to Charlottesville, and, on the following forenoon, I ascended to his residence on Monticello, by a steep road, which nearly encircled it. His dwelling house stood on the north border of a plateau containing several acres of level land, the middle of the house being an oblong, and each end a half circle. On enquiring at the door, I was told that Mr. Jefferson was taking his usual walk in his grounds, and was invited to enter and await his return. In a short time, I saw him thro the window among the trees, a tall, spare man, walking towards the house, throwing his legs about unmindful of his steps, like a man in a reverie. On entering he gave me a civil welcome, and, after reading the letter of introduction, took his seat, and began to converse on common topics, saying, however, nothing of politics. He spoke with interest of Lewis and Clark's tour over the Rocky Mountains, a history of which lay on the table, and with animation and pathos of the feelings and sufferings of the revolutionary period. He observed, in substance, that he had read no history that gave such a glowing account of them as they deserved. Botta's was the best. Marshall's was an unimpassioned narrative of events, and failed to give a just idea of the intense feelings, lofty purposes, and constant sufferings of the people, during that period. The world did not know, and does not now know, how sad and dismayed, at various times, was the Continental Congress, to whom the posture of affairs was better known than to the people. It was at these times, when the

rest of us were dispirited and silent, that the loud voice of John Adams, the Ajax of the body, resounded through the hall, revived our spirits and restored our confidence. To him, more than to any other man, is the country indebted for independence.

After staying an hour or two, I desired him to order a servant to lead my horse to the door. "Oh, no," said he, "you must not leave me so soon; you must dine with me and sleep with me. But this is just the time when I invariably take a ride; and it is moreover my duty to visit, to day, the workmen on the University grounds and see what they are doing. Here are books, at your service, and you will find walks about the grounds. that may amuse you, till my return."

I passed the time as he suggested very agreeably, and also in examining curiosities in the spacious hall, such as the skeleton, not wholly perfect, of a mammoth, and skeletons or bones, and stuffed skins, of other animals, which once inhabited Virginia, and of which some had become extinct. I saw there also a shirt, woven of steel wire, which he said was found in the southern part of the State.

On his return after an absence of a few hours, we were summoned to dinner. He offered me several kinds of wine, but said that he drank none but *lachryma Christi*, which was made from grapes that grew on the sides of Mount Vesuvius. I tasted of a dish, which was new to me, concocted of corn meal and grated cheese. He remarked that he was very fond of corn meal, in all the modes in which it could be presented as food for man; that when minister to France, he saw none, and longed for it; that when he visited Rome, observing "American Corn Meal," on a shop door, he ordered a small quantity to be sent to his lodgings, and gave directions how to prepare it. "On tasting it, I found that the bread or cake had been made of your hard, dry northern corn — I'd as lief eat sawdust." He offered me tomatoes, with the remark, that he introduced that plant, into this country, from Europe.

After dinner, the Christian religion became a topic of conversation. In the course of it I remarked that I had lately seen quoted, in a pamphlet, a letter from him, expressing a doubt whether Jesus Christ was the Son of God, and classing him with the great men of antiquity — Zoroaster, Socrates, Confucius, &c. He remembered no such letter; but after reflecting a while, he observed that something like that might have been said in his correspondence with Dr. Rush. This pamphlet, I observed, was the first of a series, seven or eight in all, on the subject of Unitarianism, and was published alternately by opponents and professors of that doctrine. The information interested him, and he was gratified when told that, on my return home, copies of all of them should be sent to him.

Thomas Jefferson to Salma Hale.[1]

Monticello, June 26, [18]18.

Sir, — I thank you for the pamphlets you have been so kind as to send me, which I now return. They give a lively view of the state of religious dissension now prevailing in the North, and making its way to the South. Most discussions begin with a discussion of principles; but soon degenerate into episodical, verbal, or personal cavils. Too much of this is seen in these pamphlets, and, as usual, those whose dogmas are the most unintelligible are the most angry. The truth is that Calvinism has introduced into the Christian religion more new absurdities than its leader had purged it of old ones. Our Saviour did not come into the world to save metaphysicians only, his doctrines are levelled to the simplest understanding: and it is only by banishing Hierophantic mysteries and scholastic subtleties, which they have nicknamed Christianity and getting back to the plain and unsophisticated precepts of Christ, that we become *real* Christians. The half reformation of Luther and Calvin did something towards a restoration of his genuine doctrines: the present contest will, I hope, complete what they begun and place us where the evangelists left us. I salute you with esteem and respect.

Th. Jefferson.

Mr. Salma Hale.

[Endorsed] The pamphlets were by Morse, Lowell, Channing, etc. The original is with Mrs. Hibbard in her book of autographs.

Charles Francis Adams to Winslow Warren.

Washington, D. C., March 5, 1913.

My dear Mr. Warren, — At the last meeting of the Society you were unable to put in that letter containing Jefferson's statement as to the share to be credited to John Adams in our Revolutionary annals.

You may remember I called your attention to a statement I had come across of Albert Gallatin, relating also to John Adams. It is curious, and historically valuable.

There is no witness on that particular topic whose testimony is entitled to carry more weight than that of Albert Gallatin. Jefferson's right hand man, he was, to my mind, a man of far greater weight, both as a statesman and as an observer, than Jefferson.

[1] This letter is printed from a copy, but the endorsements seem to be in Mr. Hale's hand.

He and Hamilton were our two strong Secretaries of the Treasury; and Gallatin was the rudder which steered the administrations of Jefferson and subsequently of Madison.

The passage to which I refer is in the *Life and Letters of Francis Lieber* (pp. 96, 97). It is dated July 16, 1832, and therein Gallatin gave his testimony as follows: — "I called on Mr. Gallatin. (He regrets that he never kept a journal. His memory now has gone. Calls me happy that I keep one.) He wishes that he had written on one thing, — the administration of John Adams; 'because,' said he, 'his turning out is the only revolution which we have had in this country. I should be able to write it well, because, though then a strong party man, I am now calm and can judge impartially. Both parties committed serious faults. Old Adams was wise, but not so his associates. He was right in turning out Mr. Pickering. Both the Adamses were the purest men and the most earnest searchers after truth the United States ever had. What they say is often indiscreet, but their actions, never. They are always open to conviction.' We spoke of Demosthenes, and I said I could not find him so great an orator as the best modern speakers. Mr. Gallatin said he had never read him in the original, and that his judgment, therefore, did not go for much, but that he had never found him as great as Cicero, whom, however, he had read in the original. 'There is a great difference,' he continued, 'between addressing the people themselves, as Demosthenes did, or only their representatives. During the Western insurrection I had twice to address the people, and found that it is something totally different. You feel that each word may ruin you, and that you have to carry your point at once. From 1795 to 1813 I took part effectually in the politics of the country. After that I remained in public life, but only as a foreign minister.' He thought the Supreme Court should not decide between citizens of different States; it had lost its popularity, etc." The whole statement is interesting.

I would be glad to have you incorporate this in your proposed communication, whenever you finally prepare the same.

I remain, etc.,

CHARLES F. ADAMS.

JOHN ADAMS TO CHARLES CUSHING.[1]

WORCESTER, April 1, 1756.

MY FRIEND, — I had the Pleasure, a few Days since, of receiving your favour of Febry 4th. I am obliged to you for your advice, and

[1] 1734–1810, son of Nathaniel Cushing.

for the manly and rational Reflections with which you inforced it. I think I have deliberately weighed the subject and had almost determined as you advise. Upon the Stage of Life. we have each of us a part, a laborious and difficult Part, to Act, but we are all capable of acting our Parts, however difficult, to the best advantage. Upon common Theatres indeed the applause of the audience, is of more importance to the Actors than their own approbation. But upon the Stage of Life, while Conscience Clapps, let the World hiss! On the contrary if Conscience disapproves, the loudest applauses of the World are of little Value. While our own minds commend we may calmly despise all the Frowns, all the Censure, all the Malignity of men.

> Should the whole Frame of Nature round us break
> In ruin and Confusion hurld
> We unconcern'd might hear the mighty crack
> And stand unhurt amidst a falling World.

We have indeed the liberty of Chusing what Character we shall sustain in this great and important Drama. But to chuse rightly we should consider in what Character we can do the most service to our fellow men, as well as to our selves. The Man who lives wholly to himself is of less worth than the Cattle in his Barn. Let us look upon a Lawyer. In the beginning of Life we see him, fumbling and raking amidst the rubbish, of writs, indightments, pleas, ejectments, enfiefed, illatebration and a 1000 other lignum vitae words that have neither harmony nor meaning. When he gets into Business he often foments more quarrells than he composes, and inriches himself, at the expence of impoverishing others more honest and deserving than himself. Besides the noise and bustle of Courts, and the labour of inquiring into and pleading dry and difficult Cases, have very few Charms in my eye. The study of Law is indeed an avenue, to the more important offices of the State, and the happiness of human society is an object, worth the pursuit of any man. But the Acquisition of these important offices depends, upon many circumstances of Birth and fortune, not to mention Capacity, which I have not, that I can have no hopes of being usefull that way. The Physician, if he has real skill and ingenuity, as things go now, will have no employment. And if he has not skill and ingenuity, will kill rather than cure. I have not mentioned the infinite toil and labour of his occupation. The Divine has a thousand obstacles to encounter. He has his own and his peoples Prejudices to combat, the capricious humours and fancies of the vulgar to submit to, poverty to struggle with, the charge of heresy to bear, systematical Divinity, alias systematical Vexation of spirit to study and sift.

But on the other hand he has more leisure to inform his mind, to subdue his passions, fewer temptations to intemperance and injustice, tho' more to trimming and hypocrisy, an opportunity of diffusing Truth and Virtue among his people — upon the whole I think if he relies on his own understanding more than the decrees of Councils, or the sentiments of fathers, if he resolutely discharges the duties of his station, according to the dictates of his mind, if he spends his time in the improvement of his head in knowledge and his heart in Virtue, instead of sauntering about the streets, he will be able to do more good to his fellow men, and make better provision for his own future happiness in this profession, than in any other. However I am as yet very contented in the place of a School Master. I shall not therefore very suddenly become a Preacher. When I do, I hope to live a year or two in the same neighbourhood with you. Had indulgent Heaven thrown me into the neighbourhood of a D[alton],[1] or some other such kind Friend of my former acquaintance, I think little had been wanting to compleat my satisfaction. It is late in the evening, and my candle, my pen, and more than all, my inclination, calls upon me to subscribe my self your

Sincere Friend [and serv]^{t}

J. A.

P. S. There is a story about Town that I am an *Arminian*. Pray write me every opportunity, and be so kind as to omit ½ dozen wafers in your next. The last was barr'd and barricadoed with so many seals, that I was out of all patience before I could come to the treasure.

Mr. CLEMENT read a paper on the "Conspiracy of Silence" of the press relative to the atrocities committed by the Balkan allies against the Moslem population.

Professor MACDONALD, a Corresponding Member, read a paper on

THE INDEBTEDNESS OF JOHN MARSHALL TO ALEXANDER HAMILTON.

It will be recalled that the scheme of financial reorganization initiated and carried through by Alexander Hamilton was laid before Congress in three separate parts: a first report on public credit, submitted January 9, 1790, outlining a plan for funding the national debt, including the assumption by the

[1] 1738–1817, a United States Senator from Massachusetts, 1789–1791.

Federal Government of the debts of the States; a second report on public credit, outlining a system of excise taxes, submitted December 13, 1790; and, on the same date, a plan for a national bank.[1] The adoption of the funding scheme, involving as it did a bargain between Hamilton and Jefferson regarding the location of the national capital, aroused widespread and outspoken opposition to Hamilton in anti-Federalist quarters, and particularly on the part of Jefferson, his natural enemy, which threatened to defeat later financial proposals. Nevertheless, on August 9, three days before adjournment, the House of Representatives by resolution requested the Secretary of the Treasury to report, on the second Monday of December, "such further provisions as may, in his opinion, be necessary for establishing the public credit." As a deficit of about $825,000 still remained to be provided for, and as the act organizing the Treasury Department made it the duty of the Secretary of the Treasury to digest and submit, from time to time, plans for the public revenue and the management of the debt, the House had no choice save to trust the brilliant young finance minister a step further.

A bill to incorporate the subscribers to the Bank of the United States, framed in accordance with Hamilton's recommendation, passed the Senate on January 20, 1791, and the House on February 8. The debate was acrimonious, both the expediency and the constitutionality of the measure being attacked. Madison, who only three years before had collaborated with Hamilton in writing the papers of the *Federalist*, now urged that the Federal Convention of 1787 had rejected a proposal to give to Congress the power to charter corporations, and declared "that the power exercised by the bill was condemned by the silence of the Constitution; was condemned by the rule of interpretation arising out of the Constitution; was condemned by its tendency to destroy the main characteristics of the Constitution; was condemned by the expositions of the friends of the Constitution whilst depending before the people; was condemned by the apparent intentions of the parties

[1] Texts in the various editions of Hamilton's writings; abridged in my *Select Documents illustrative of the History of the United States*. Hamilton also submitted, in May, 1791, a report on coinage, and in December a report on manufactures.

which ratified the Constitution; was condemned by the explanatory amendments proposed by Congress themselves to the Constitution." [1]

So sweeping a criticism, joined to the known opposition of Jefferson and many of his followers to Hamilton, caused Washington to hesitate. The bank bill was not presented to the President until February 14, six days after it passed the House. Washington asked for the written opinions of the members of the Cabinet regarding the constitutionality of the measure. The opinion of Jefferson, submitted the next day, is the classical statement, in concise form, of the strict construction view of the Federal Constitution. "I consider the foundation of the Constitution," he declares, "as laid on this ground: That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people' [Xth Amendment]. To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

The power to incorporate a bank had not, in his opinion, been delegated to the United States by the Constitution. It is not among the powers, specially enumerated, to lay and collect taxes, &c., to borrow money, or to regulate commerce. Neither does it fall within the purview of the two general phrases which might be supposed to cover it. The first of those phrases is, again, the power "to lay taxes for *the purpose* of providing for the general welfare.[2] For the laying of taxes is the *power*, and the general welfare the *purpose* for which the power is to be exercised. They are not to lay taxes *ad libitum for any purpose they please;* but only *to pay the debts or provide for the welfare of the Union.* In like manner, they are not *to do anything they please* to provide for the general welfare, but only to *lay taxes* for that purpose."

The second general phrase is, "to make all laws *necessary* and proper for carrying into execution the enumerated powers." But they "can all," declares Jefferson, "be carried into execu-

[1] *Annals of Congress*, 1789–1791, II. 1892–1960, *passim*.

[2] It will be noted that neither Jefferson nor Hamilton always quotes the Constitution exactly. "For the purpose of" is an interpolation expressive of Jefferson's interpretation of the clause.

tion without a bank." The question of the possible convenience of such an institution has no bearing on the case; for the Constitution "allows only the means which are '*necessary*,' not those which are merely 'convenient' for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a *convenience* in some instance *or other*, to *some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power." [1]

Jefferson's opinion, with that of Randolph, the attorney-general, which took the same view,[2] were submitted by Washington to Hamilton,[3] who on February 23 laid before the President his reply. The force and significance of its reasoning will be the better appreciated if we remember that the great structure of American constitutional law, so indispensable a reliance in the solution of later problems, had as yet no existence; that the Supreme Court of the United States had rendered no constitutional decision; and that the validity of any theory of the Union, federal or confederate, had not been put to the test. So far as constitutional theory was concerned, the United States in 1791 was an open forum wherein any one might propound any theory he chose, with no judicial authority to say him nay.

Hamilton addressed himself at once to the main objection urged by Jefferson and Randolph, that the Constitution gave to Congress no power to create a corporation. "Now it appears to the Secretary of the Treasury," he replied, "that this *general principle* is *inherent* in the very *definition* of government, and *essential* to every step of the progress to be made by that of the United States, namely: That every power vested in a government is in its nature *sovereign*, and includes, by

[1] Jefferson's *Works* (ed. 1854), VII. 555–561, *passim*. Most of the points in Jefferson's opinion had been brought out in the debate in the House.

[2] Randolph devoted his opinion mainly to a consideration of the bank as a corporation.

[3] The letter is in Hamilton's *Works* (ed. 1851), IV. 103. In the preparation of his opinion Hamilton is said to have consulted William Lewis, an eminent lawyer of Philadelphia. See Rives's *Madison*, 168, note 1; J. C. Hamilton, *Republic of the United States*, IV. 247, 489, quoting Horace Binney's *Leaders of the Old Bar of Philadelphia*.

force of the *term*, a right to employ all the *means* requisite and fairly applicable to the attainment of the *ends* of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the *essential ends* of political society." It will be incumbent upon those who deny so axiomatic a statement " to prove a distinction, and to show that a rule which, in the general system of things, is essential to the preservation of the social order, is inapplicable to the United States."

The division of powers between the United States and the States does not afford the distinction required, since each is sovereign as to its proper objects. The abstract question of the right of the United States to create a corporation is, accordingly, not open to debate. "It is unquestionably incident to *sovereign power* to erect corporations, and consequently to *that* of the United States, in *relation* to the *objects* intrusted to the management of the government."

In the view of Jefferson, the Tenth Amendment — "The powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States, or to the people" — excluded the right of creating a corporation, because such right was not among those enumerated. "The main proposition here laid down," replies Hamilton, "in its true signification is not to be questioned. . . . But how much is delegated in each case, is a question of fact, to be made out by fair reasoning and construction, upon the particular provisions of the Constitution, taking as guides the general principles and general ends of governments. It is not denied that there are *implied*, as well as *express powers*, and that the *former* are as effectually delegated as the *latter* . . . . Then it follows, that as a power of erecting a corporation may as well be *implied* as any other thing, it may as well be employed as an *instrument* or *mean* of carrying into execution any of the specified powers, as any other *instrument* or *mean* whatever. The only question must be, in this, as in every other case, whether the mean to be employed, or in this instance, the corporation to be erected, has a natural relation to any of the acknowledged objects or lawful ends of the government."

He then proceeds to examine Jefferson's interpretation of the word "necessary." "The Secretary of State maintains,

that no means are to be considered as *necessary* but those without which the grant of the power would be *nugatory*. Nay, so far does he go in his restrictive interpretation of the *word*, as even to make the case of *necessity* which shall warrant the constitutional exercise of the power to depend on *casual* and *temporary* circumstances; an idea which alone refutes the construction. The *expediency* of exercising a particular power, at a particular time, must, indeed, depend on circumstances; but the constitutional right of exercising it must be uniform and invariable, the same to-day as to-morrow. . . .

"It is essential to the being of the national government, that so erroneous a conception of the meaning of the word *necessary* should be exploded.

"It is certain, that neither the grammatical nor popular sense of the term requires that construction. According to both, *necessary* often means no more than *needful*, *requisite*, *incidental*, *useful*, or *conducive to*. It is a common mode of expression to say, that it is *necessary* for a government or a person to do this or that thing, when nothing more is intended or understood, than that the interests of the government or person require, or will be promoted by, the doing of this or that thing. The imagination can be at no loss for exemplifications of the use of the word in this sense. And it is the true one in which it is to be understood as used in the Constitution. The whole turn of the clause containing it indicates, that it was the intent of the Convention, by that clause, to give a liberal latitude to the exercise of the specified powers." To understand the word as Jefferson interprets it "would be to give it the same force as if the word *absolutely* or *indispensably* had been prefixed to it. Such a construction would beget endless uncertainty and embarrassment. . . . The *degree* in which a measure is necessary, can never be a *test* of the legal right to adopt it; that must be a matter of opinion, and can only be a *test* of expediency. The *relation* between the *measure* and the *end;* between the *nature* of the *mean* employed towards the execution of a power, and the object of that power, must be the criterion of constitutionality, not the more or less of *necessity* or *utility*."

Hamilton concludes this part of his argument — the only part with which I am now concerned — with the following

notable paragraph. The doctrine for which he contends, he declares, "leaves a criterion of what is constitutional, and of what is not so. This criterion is the *end*, to which the measure relates as a *mean*. If the *end* be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that *end*, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority. There is also this further criterion, which may materially assist the decision: Does the proposed measure abridge a pre-existing right of any State or of any individual? If it does not, there is a strong presumption in favor of its constitutionality, and slighter relations to any declared object of the Constitution may be permitted to turn the scale." [1]

Only an elementary acquaintance with the sources of American constitutional law is needed to show the striking similarity between this statement of the familiar doctrine of implied powers, as found in Hamilton's masterly opinion on the constitutionality of a national bank, in 1791, and Marshall's much-lauded statement of the same doctrine in the leading case of *McCulloch* v. *Maryland*, in 1819. A few passages from Marshall's decision [2] will be sufficient to show that in thought and argument the two documents are essentially the same.

"It is not denied," says Marshall, "that the powers given to the government imply the ordinary means of execution. . . . But it is denied that the government has its choice of means, or that it may employ the most convenient means, if to employ them it be necessary to erect a corporation. On what foundation does this argument rest? On this alone: The power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress. This is true. But all legislative powers appertain to sovereignty. . . . The government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that one

[1] Hamilton's *Works* (ed. 1851), IV. 104–138, *passim*. Washington is said to have hesitated still, and Madison, at his request, prepared a veto message for possible use (*Writings*, Hunt's ed., VI. 42, 43, note); but the bill was approved February 25, two days after the date of Hamilton's opinion.

[2] 4 *Wheaton*, 316–437.

particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception."

Citing the "necessary and proper" clause of the Constitution, and taking up the argument in favor of a restrictive interpretation of the words, urged by counsel for Maryland, Marshall continues: "Is it true that this is the sense in which the word 'necessary' is always used? Does it always import an absolute, physical necessity, so strong that one thing, to which another may be termed necessary, cannot exist without that other? We think it does not. If reference be had to its use in the common affairs of the world, or in approved authors, we find that it frequently imports no more than that one thing is convenient, or useful, or essential to another. . . . The baneful influence of this narrow construction on all the operations of the government, and the absolute impracticability of maintaining it without rendering the government incompetent to its great objects, might be illustrated by numerous examples drawn from the Constitution and from our laws. . . . We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

The foregoing citations from Hamilton and Marshall have been made as a necessary preliminary to the questions whose answer it is the main purpose of this paper to suggest. Those questions are, first, was Hamilton's opinion known to Marshall? and, second, did Marshall acknowledge any indebtedness to it for his arguments in *McCulloch* v. *Maryland* or elsewhere?

The earliest complete printed text of Hamilton's opinion that I have seen is that which is found in the first collected edition of Hamilton's writings, published at New York in 1810. Paul Leicester Ford, in his *Bibliotheca Hamiltoniana*, notes an

edition printed at Philadelphia sometime between 1800 and 1809 ("180–"). Ford's entry is not altogether enlightening. It reads: "The Argument / of the / Secretary of the Treasury / upon the / Constitutionality / of a / National Bank. / [Philadelphia 180–]." It is headed "1791. *Feb.* 23. *Cabinet paper*," and is described as "8vo, pp. 40." Judging from the headings prefixed to other entries in the same section of the *Bibliotheca Hamiltoniana*, the words "cabinet paper" are to be taken as descriptive of the contents or object of the document, and not of the collection or repository in which it is to be found. Further, no indication is given of the location of a copy, as is the case with most of the other entries; nor are the reasons given for assigning its publication to so extended a period as "180–." In comparison with so competent a bibliographer as Ford, I cannot venture to think that my own investigation has been exhaustive; but inquiry has thus far failed to locate a copy of any imprint of the opinion that can with confidence be said to have been printed at Philadelphia between 1800 and 1809.

The opinion is not noted in General Greely's definitive list of the "Public Documents of the First Fourteen Congresses." Indeed, as a cabinet paper, primarily intended only for the guidance of Washington, it would not regularly be printed as a document, but if published at all would almost certainly have been issued privately. The fact that Washington, in transmitting to Hamilton the opinions of Jefferson and Randolph, directed "that no copies of them be taken, as it is for my own satisfaction they have been called for," certainly suggests an intention to treat Hamilton's opinion as equally private. There seems to be no reason to believe that Congress ever saw it; there is an almost total lack of allusion to it among Hamilton's contemporaries; and had it found its way into the newspapers, or even been seen in manuscript by many persons, Hamilton's enemies, and particularly Jefferson, would almost certainly have made use of it. My only explanation of Ford's entry is, that he had seen a rare imprint which I have thus far been unable to locate. With this possible exception, there is no printed copy of the full text of the opinion of earlier date than 1810. (See note p. 426, *infra*.)

A portion of the opinion had, however, been printed before

that date, and in no less significant a place than one of the appendices to Volume V of Marshall's *Life of Washington*. The first three volumes of this work bear date of 1804, the fourth volume that of 1805, and the fifth that of 1807. Professor McMaster has told us, in his *History of the People of the United States*, of the interest which the announcement of the preparation of this elaborate work aroused, of the large sales that were anticipated, and of how the dry and formal character of the book, its pronounced Federalist bias, and the charge that it was intended to influence the election of 1804 against Jefferson, made it a failure. The title-page sets forth that the work was "compiled under the inspection of the Honourable Bushrod Washington [associate-justice of the Supreme Court from 1798 to 1829] from original papers bequeathed to him by his deceased relative, and now in possession of the author."

After briefly summarizing the debate in the House on the constitutionality and expediency of the bank bill, Marshall disposes as follows of the cabinet discussion:

"The point which had been agitated with so much zeal in the house of representatives, was examined not less deliberately by the executive. The cabinet was divided upon it. The secretary of state and the attorney general conceived that congress had clearly transcended their constitutional powers; while the secretary of the treasury, with equal clearness, maintained the opposite opinion. The advice of each minister, with his reasoning in support of it, was required in writing, and their arguments were considered by the president with all that attention which the magnitude of the question, and the interest taken in it by the opposing parties, so eminently required. This deliberate investigation of the subject terminated in a conviction, that the constitution of the United States authorized the measure, and the sanction of the executive was given to the act." [1]

A footnote to this paragraph refers to the appendix, Note III, where nearly eight pages of smaller type are given to a summary of and quotations from the opinions of Jefferson and Hamilton. The extracts are introduced by the following paragraph:

"This question was investigated with great labour, and be-

[1] *Life of Washington*, v. 297.

ing one involving principles of the utmost importance to the United States, on which the parties were divided, the subject was presented in all the views of which it was susceptible. A perusal of the arguments used on the occasion would certainly afford much gratification to the curious, and their insertion at full length would perhaps be excused by those who recollect the interest which at the time was taken in the measure to which they related, and the use which was made of it by the opponents of the then administration; but the limits prescribed for this work will not permit the introduction of such voluminous papers.[1] It may however be expected that the outline of that train of reasoning with which each opinion was supported, and on which the judgment of the executive was most probably formed, should be briefly stated."

Marshall was of course familiar with the *Federalist*. The original edition of that work, published in 1788, was reprinted in 1799, and other editions followed in 1802, 1810 and 1817. In No. 31 of the *Federalist*, Hamilton comments on the "necessary and proper" clause with special reference to its bearing on the power of taxation, but points out that it will doubtless have equally wide application in other fields also.[2] His brief discussion of implied powers in the *Federalist* is, however, in comparison with the elaborate exposition in his opinion of 1791, hardly more than a bare suggestion, a text for a discourse. The verbal similarities in Marshall's judicial decision are to the language of the opinion, not to that of the *Federalist*. Marshall made brief use of the doctrine of implied powers as early as the February term, 1805, in the case of *United States* v. *Fisher et al.*,[3] where the words and phrases are peculiarly suggestive of their origin.

[1] This may perhaps be taken as a confirmation of the view, already expressed, that the paper had not hitherto been printed.

[2] "I have applied these observations thus particularly to the power of taxation, because it is the immediate subject under consideration, and because it is the most important of the authorities proposed to be conferred upon the Union. But the same process will lead to the same result in relation to all other powers declared in the Constitution. And it is *expressly* to execute these powers that the sweeping clause, as it has been affectedly called, authorizes the national legislature to pass all *necessary* and *proper* laws." *The Federalist* (Ford's ed.), 202, 203.

[3] 2 Cranch, 358–405. "In construing [the 'necessary and proper'] clause it would be incorrect, and would produce endless difficulties, if the opinion should

That Marshall knew the Hamilton opinion of 1791 is, of course, a simple matter of fact, as shown by the extracts from it in his *Life of Washington*. Curiously, he seems to have been about the only person who, prior to at least 1807, did know it. An extended search of the published writings of contemporary statesmen discloses no references to it during Hamilton's lifetime; and Hamilton was killed in the summer of the year that saw the publication of the first three volumes of the *Life of Washington*. If Jefferson, who called the *Federalist* "the best commentary on the principles of government which has ever been written," [1] appreciated the significance of the far more masterly opinion on the constitutionality of a national bank, he does not appear to have reduced his views to writing; and Madison, whose constitutional objections to the bank were as effectually demolished as were those of Jefferson, seems to have been equally silent. The paper was certainly not in print before 1800; and even if Paul Leicester Ford's entry of a print in "180–" is correct, there is no evidence, so far as I have discovered, that it attracted any attention. It was a cabinet memorandum, not intended for publication, written in the interval between the passage of the bank bill by Congress and its approval by the President. As such, it seems a reasonable conjecture that the opinion remained in manuscript among Washington's papers, passing upon Washington's death into the possession of Bushrod Washington, who turned it over, with others, to Marshall for use in preparing the latter's *Life of Washington*. That Marshall should have drawn upon it as heavily as he did in preparing one of his greatest opinions suggests either that Bushrod Washington himself had never read it, or, if he had, that he had forgotten it, or else that he was willing to have anything accounted grist that came to the chief-justice's mill.

be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power.

"Where various systems might be adopted for that purpose, it might be said with respect to each that it was not necessary, because the end might be obtained by other means. Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution."

[1] Letter to Madison, November 18, 1788, quoted in P. L. Ford's ed. of the *Federalist* (1898), xxix. note 1.

In regard to the second question, it does not appear that Marshall ever acknowledged his debt to Hamilton. Biographers tell us that the two men were firm friends, though I am not able to make out that they ever saw much of one another. The statements of the *Federalist* on various points are from time to time cited, and always spoken of with respect. The only statement, however, that may be regarded as including in its reference the opinion which I have been discussing, is found in *McCulloch* v. *Maryland*. The passage occurs near the opening of the decision, and reads as follows:

"The power now contested was exercised by the first Congress elected under the present Constitution. The bill for incorporating the Bank of the United States did not steal upon an unsuspecting Legislature, and pass unobserved. Its principle was completely understood, and was opposed with equal zeal and ability. After being resisted, first in the fair and open field of debate, and afterwards in the executive cabinet, with as much persevering talent as any measure has ever experienced, and being supported by arguments which convinced minds as pure and as intelligent as this country can boast, it became a law."

There remains only to point out that, of the many writers who have dealt with the constitutional period or sketched the lives of Hamilton and Marshall, apparently the only one who has clearly perceived the significance of Hamilton's opinion, and Marshall's indebtedness to it, is Mr. Henry Cabot Lodge. In his life of Hamilton, in the *American Statesmen* series, Mr. Lodge says: [1]

"This argument on the constitutionality of the national bank, as a piece of legal reasoning, is the most important which Hamilton ever produced, not only in itself but because it can be tried by the highest possible standard. In McCulloch *v.* Maryland, Chief Justice Marshall went over precisely the same ground on the same question, deciding the point, as is well known, in Hamilton's favor. There are few arguments which will bear to be placed side by side with those of Marshall, but Hamilton's stands the comparison without suffering in the trial. The able and luminous decision of the chief justice adds nothing to the argument of the secretary and takes nothing from it, nor is the work of the latter inferior to the opinion of

[1] Revised ed., 1898, 103, 104.

the judge in clearness and force of expression. I am far from meaning to imply by this that Hamilton was as a lawyer the equal of Marshall, who stands at the head of all lawyers, especially on constitutional questions. But it may be truly said that a man who could in much haste produce an argument which can be placed beside an opinion of the great chief justice, involving the very same question, is fairly entitled to stand in the front rank of lawyers, and can be credited with the possession of legal talents of the highest order."

The conclusions to which this inquiry leads may be summarized as follows:

1. Hamilton, in his opinion on the constitutionality of a national bank, in 1791, expounded at length the constitutional doctrine of implied powers, the nature and scope of which he had briefly intimated in the *Federalist*, less than three years before. The exposition is definitive and complete, and no restatement of the doctrine is possible save in substantially identical terms.

2. Hamilton's opinion, being a cabinet paper intended for the guidance of Washington alone, was not made public at the time; was not printed in full until 1800 or later, and not in a form to be generally accessible until 1810; and remained either unknown to, or unnoticed by, the statesmen and jurists of the period with the single exception of Marshall.

3. Marshall found the opinion among the Washington manuscripts which he used in preparing his *Life of Washington*, and printed extracts from it in the appendix to the fifth volume of that work.

4. Marshall's statement of the doctrine of implied powers, in the case of *McCulloch* v. *Maryland*, is substantially identical, so far as it goes, with the statement in Hamilton's opinion. The statement in the decision of the court is, however, inferior in logical elaboration and literary distinction to the statement in the opinion.

5. The great doctrine of implied powers, judicially formulated and given legal force by Marshall, originated with Hamilton, and was completely expounded by him twenty-eight years before it was embodied by Marshall in a leading case.

6. Whether the ethical principle that one writer should not copy from another without giving credit for what he has taken,

applies to a jurist as well as to an historian, depends, perhaps, somewhat upon the point of view. The opinion of a cabinet officer, however original or convincing, is only the unauthoritative expression of an administrative official. The opinion of the Supreme Court, on the other hand, has the force of law. In enunciating, as the opinion of the court, Hamilton's doctrine of implied powers, Marshall afforded an interesting example of the way in which the accident of official position may enable a man to appropriate, consciously or unconsciously, the credit for ideas which in fact originate with another.[1]

Remarks were made during the meeting by Messrs. SANBORN, THAYER, and WINSHIP.

[1] Hamilton's opinion is printed in the various editions of his writings, in P. L. Ford's edition of the *Federalist*, and elsewhere. The main portions of it are also in Story's *Commentaries* (ed. 1833), and in my *Select Documents illustrative of the History of the United States*.

[Two copies of issue noted by Ford (p. 420, *supra*), without year or place of issue, are in the Boston Athenæum. They are bound with other pamphlets issued in 1810. At first I thought it might be a "separate" printed from the type of the first volume of Hamilton's *Writings*, published in New York in that year; but a comparison showed it to be a distinct issue, and in all probability reset from the text in the *Writings*. The catalogue of the Athenæum states 1791 as the year of issue, — clearly an error. I have little hesitation, however, in assigning 1810 as the correct date. — W. C. F.]

JUNE MEETING.

THE stated meeting was held on Thursday, the 12th instant, at three o'clock, P. M.; the PRESIDENT, MR. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Cabinet-Keeper, in the absence of the Librarian, reported the list of donors to the Library since the last meeting.

The Cabinet-Keeper reported several gifts, including a bronze medal, from Brenton H. Dickson, Jr., struck to commemorate the two hundredth anniversary of the town of Weston.

In the absence of the Librarian the Editor reported a gift by Mr. Samuel Thomas Pickard of a volume of Laws of Massachusetts and some manuscripts found in the library of the late John Greenleaf Whittier. The Book of Laws, printed in 1742, contains 333 pages, with the sessions laws for 1742 and 1743, to page 348 inserted. One of the manuscripts is an orderly book kept probably by Adjutant William Mordaunt Bell, of Col. George Reid's 2d New Hampshire Regiment, from May 19 to July 25, 1779, while his regiment was with General Sullivan's expedition against the Indians. A list of journals of this expedition was communicated to the Society by our associate Mr. Davis in May, 1886.[1] The other manuscript is printed below.[2]

THE WINTHROP HISTORY.

The PRESIDENT then said:

The last meeting of the Society at which it was my fortune to be in attendance was Thursday, March 13th, — three months since. Then busy with the final arrangements for an absence from the country, I thought it not improbable I might be away until midsummer. Thursday last, however,

[1] 2 *Proceedings*, II. 436.

[2] See p. 484, *infra*.

the 5th instant, found Mr. Ford and myself at the East Boston dock of the Cunard Company.

We were, none the less, absent from the April annual meeting; and, as your record shows, I was then re-chosen to the position I have here held for the last eighteen years. With due allowance for the unforeseeable, moreover, I am apparently to continue to occupy this chair for some little time to come. This naturally suggests a topic connected with the more important work the Society has in hand, to which I propose now to refer, — thus making it matter of record. My allusion is to the proposed edition of Winthrop's *Journal*, in sequence to the definitive edition of Bradford's *History*, brought out under the auspices of the Society during the past year.

As some of the older members doubtless recall,[1] the preparation of scholarly and, so to speak, monumental editions of both Bradford and Winthrop under the immediate auspices of the Society has been a matter which I personally have long had much at heart. The project was brought up and fully discussed at meetings of the Society in 1898, — and a sufficient record of what was then proposed to be done, and why it was not done, will be found in Volume XII of the Second Series of our *Proceedings*. Owing to the decided opposition of the younger Robert C. Winthrop to a republication at that time of Winthrop's *Journal*, the reissue of the two initial records was postponed, and temporarily abandoned. I confess to having at the moment felt a sense of deep disappointment at this outcome; but looking back after the lapse of fifteen years, — during which Mr. Winthrop has passed on — I am now free to say I think there was reason for his opposition. In this case, moreover, nothing has been lost by delay. His objection was based simply on his extreme dislike of anything sensational or in the nature of haste in issuing such publications, and the admitted absence of any entirely competent as well as otherwise qualified editor for the Winthrop. So far as the Bradford was concerned, he concurred in the proposed program; he also agreed that the time had come for a new editing of the Winthrop. He more than once dis-

[1] Of the names of those composing the Resident Membership of the Society at the time referred to, forty only are now carried on the roll.

cussed the matter privately with me, canvassing in a confidential way the qualifications of every one available for the editorship. But, in this matter, his standards were high. As respects character as well as scholarship, he went back to the days of James Savage, Charles Deane and his father; and they certainly had left no successors in their particular line. It was indisputable that the race of those who, *con amore*, so to speak, made a specialty of our early New England history had died out. And this in my talks with Mr. Winthrop I found myself compelled to admit. He, on the other hand, went so far as to offer himself to meet the entire cost of republication, provided only an editor could be obtained in whom he felt confidence, — that editor moreover to be in no way hurried in his work. As I now see, he was in the main right; the project of 1898 was premature, and, if then carried out in the way proposed, the work would necessarily have been superficial as well as hasty.

The first part of the program then suggested and discussed is, however, now an accomplished fact. As the Society knows, during the last year the Bradford has reappeared in a definitive, and what we believe will prove its final, form. The more difficult task, a re-editing and republication of the Winthrop, is next to be entered upon.

I bring the matter up in this way and at this time because of the strong desire I feel that the Winthrop also should appear in like definitive form during my Presidency of the Society. For reasons unnecessary to refer to in detail, this, measured in years, cannot much longer continue. There is, therefore, I feel, no time to lose.

During my recent absence, especially while on my return voyage, this has been with me matter of somewhat anxious thought, and I discussed the situation freely with our Editor. Mr. Ford intimated that two years might well in the opinion of some be allowed to elapse between the appearance of the Bradford and any active steps looking to a republication of the Winthrop. So far as editorial work was concerned, everything was, he assured me, in readiness. The Bradford had paved and made broad the way to the Winthrop. It was only necessary to put the accumulated material in shape for the compositor; but the outcome of the publication of the Brad-

ford as a commercial and financial proposition was not yet clear, and the Winthrop would involve a much larger liability than had been incurred because of the Bradford, if edited and published in the same way, — not improbably double the amount. It was, therefore, perhaps prudent from a purely business point of view to defer the more considerable work until possibly the year 1915.

So far as the incurring of obligations, necessarily more or less speculative in character, in excess of means in plain sight is concerned, I wholly concurred in these doubts and suggestions. In the case of Societies such as this of ours, everything in the long run depends on financial stability. No uncertain liabilities should ever be incurred; no burden of possible debt assumed. On the other hand, it at once suggested itself that should this course of prudence and consequent delay be adopted the Winthrop would hardly appear in my time; and, on this head, I want to take no chances. All necessary preliminaries to the Winthrop being disposed of in the issuing of the Bradford, the only possible objection to proceeding at once with the former would be financial. Ought the Society to incur the obligation, uncertain in amount, contingent on the publication of the Winthrop until a fund necessary to meet any possible deficiency had been accumulated, and is in the hands of the Treasurer?

This objection, I assured Mr. Ford, it was unnecessary to consider. The strong desire I felt that the Winthrop should be published with no unnecessary delay, and so in my time, was a sufficient inducement for me to arrange a guarantee that no portion of the cost of the proposed edition should fall upon the Society. From assurances which have reached me, I felt confident of my ability so to do; and my confidence was such that I felt justified in assuming on this head a personal responsibility.

I now bring the matter up in connection with my re-election at the April meeting in order to state as of record that Mr. Winthrop's liberal proposition in this respect will be renewed; and that the Society, should work on the Winthrop begin at once, will be guaranteed against any liability because of the cost of the proposed edition over and above the amount received from the publishers through the sale thereof.

I have, therefore, to announce that, the Bradford having been published, the Editor will at once proceed with the Winthrop; the work on which will be pressed forward with all reasonable promptitude, in a confident belief on my part that it can appear under the auspices of the Society during the time it may not unreasonably be fair to expect is still allotted to me.

But, before dismissing this matter in connection with the action taken at the recent annual meeting, may I be permitted to add that, in preparing the announcement now made, something caused my memory to revert to a passage in Hallam's preface to the first edition of his *Literary History of Europe*, a passage which so impressed me when I first read it, over fifty years ago, that it still lingered in memory. It seems to have a certain propriety in the present connection, always bearing in mind the fact that when he wrote it the historian lacked eighteen years of the time of life at which I have arrived. Hallam spoke of authors, but his observations are equally applicable to editors, and those who seek to promote the publication of "definitive" and "memorial" editions of writings long since become classic: — "An author who waits till all requisite materials are accumulated to his hands, is but watching the stream that will run on for ever; and though I am fully sensible that I could have much improved what is now offered to the public by keeping it back for a longer time, I should but then have had to lament the impossibility of exhausting my subject. . . . But I have other warnings to bind up my sheaves while I may, — my own advancing years, and the gathering in the heavens."

Governor LONG proposed the following minute in recognition of the statement and proposal of the PRESIDENT, which was unanimously adopted:

The Society puts upon record its high appreciation of the generous action of its President, Mr. Adams, in making sure, as just stated by him, of the immediate undertaking by the Editor of the publication of the Governor Winthrop *History*, and also its hearty sympathy with him in his desire that the work, in which he has taken such a deep and effective interest, may be completed while he is still head of the Massachusetts Historical Society.

Mr. C. F. ADAMS also read a paper on

THE OXFORD COURSE OF AMERICAN LECTURES.

In the notice of the present meeting I see it stated that I proposed this afternoon to make reference to "The Course of Lectures at Oxford University on American Institutions." Such is the fact; and thus immediately on my home-coming it is my purpose to make something in the nature of a record relating to my experience in following our associate, Mr. Rhodes, in the delivery of this recently established annual lecture course. In so doing I wish to premise I am largely actuated by my belief that I was invited to deliver these lectures this year more especially as President of this Society, and not, as in the case of Mr. Rhodes, individually and, so to speak, on my personal record as an historian of established repute and accepted authority. For this reason some reference to the experience will not be out of place in our *Proceedings*. What I have to say may, moreover, prove in other respects suggestive.

This course of lectures was only recently provided for, — largely, I am led to infer, through the influence and active exertions of certain of the Oxford professors and instructors who had lectured in this country, more especially Mr. A. L. Smith of Balliol. It is to a certain extent the natural outcome of the Rhodes Scholarships, so called, to which here and now it is not necessary more than to allude. I will merely say I was surprised to find that in the Oxford of the present time there are between one and two hundred undergraduate and graduate students from America, beneficiaries of the Rhodes endowment.

Our associate, Mr. Rhodes, it will be remembered, was selected — and very properly selected — to initiate the course. This he did a year ago, delivering three lectures which have since appeared in printed form.[1] I followed him, being left at liberty to deliver as many lectures as I might see fit, with the single restriction in relation thereto that they dealt with American historical topics. In other words, I was not to discourse on history and historical themes in general, — a restriction, let me add, which commended itself to my own judgment.

[1] *Lectures on the American Civil War*, 1913.

After giving the matter consideration with such lights as I then had, I determined on a course of four lectures. I did not see how I could deal properly with the topics which suggested themselves in less space; and in fact, as the result showed, a course of six, or seven, or of even eight lectures would scarcely have sufficed for a proper treatment of those topics. In the full light of experience, I see no occasion to revise this judgment. In fact, I fail to see how any one man or any succession of men, even an American or Americans of the greatest international vogue, could go to Oxford and there deliver a single lecture of one hour which would be in any way either illuminating or really instructive. After an initial effort, — a species of literary *tour-de-force* of a nature necessarily somewhat sensational — the performance would consequently, as I see it, be too condensed to justify itself. In any event, I am very sure that pursuing such a course, — discoursing, as must necessarily have been the case, purely on American generalities, — I could not have acquitted myself either to my own satisfaction or to the edification of my listeners. What another differently equipped might have accomplished in this way, or might yet accomplish under similar conditions, it is not for me to consider.

I accordingly in signifying my acceptance notified the Vice-Chancellor of my intention to deliver four lectures, — the course to be generally designated as one on "Trans-Atlantic Historical Solidarity," the four several treatments to appear under specified heads.

Naturally, the subject had more or less been present to mind during the winter between my acceptance of the invitation and my sailing on the 18th of March. I had, meanwhile, another end in view very personal to myself, in truth the controlling factor in my acceptance. I looked on a lecture course at Oxford as, so to speak, a possible fulcrum. Occupied as I have been for years with the papers of my father, relating more particularly to the diplomatic and international aspects of our Civil War period, I desired to see if I could not in England get at historical material, both public and private, to which references only could be found in numerous English publications. Convinced that such material existed, experience had satisfied me that what I wanted could not be

secured through the agency of others, however influential. Personal application was necessary. It was for this reason I took possession of our Editor, looking to him to make researches among material which, could access to it be obtained, I felt myself incompetent to handle. The result fully justified my expectation. Into this matter I shall not here enter further. I will merely say that our joint success in this field exceeded my most sanguine anticipation; and, moreover, I am satisfied that so far as British historical material connected with America is concerned, no adequate use has yet been made of it. The various depositaries remain to be developed. This, in my judgment, goes even back to the beginning. It is a case of the Bradford MS. over again. For example, as the outcome of my own efforts and investigations and those of Mr. Ford during this brief trip, I am by no means satisfied that the missing portions of Winthrop's *Journal* might not, as the result of a search at once intelligent and persistent, still be recovered. In other words, I do not believe that when Margaret Winthrop came over to America in the Spring of 1631 the elaborate letters which we know her husband had written her and others since their parting were then destroyed; nor do I see any sufficient reason to believe they have been destroyed since. My own conviction is that they still exist in some family or neighborhood repositaries, — undiscovered material. At any rate, from my recent experience in other quarters in connection with not dissimilar historical matter, I am satisfied the search is one worth making. I propose to act accordingly; and am not wholly without hope that the letters of Winthrop in Boston to his wife still in England, constituting the first and hitherto missing portions of the Journal, may yet appear in the Society's coming edition.[1]

This, parenthetically; but recurring to my Oxford lectures, I have to say that while a lectureship on American history has recently been established at Oxford, it was not there established prematurely or, in my opinion, before it was needed.

[1] See the interesting and suggestive remarks on this head of R. C. Winthrop, Jr., at the October meeting of 1898, 2 *Proceedings*, XII. 298–299. [The letter of Governor Winthrop, mentioned in these remarks, was in the Carew family, Taunton, Co. Somerset, but disappeared on the property's passing on the death of the son. A mass of books and papers belonging to the family, with many American items, was sold at auction. Ed.]

On the contrary, judging by what I saw, and the impressions left on my mind as well as on the mind of Mr. Ford, it opens a field which admits of a large and much needed development. Stating the case frankly, I am led to believe that, while personally I was treated with marked courtesy and high official consideration, so far as American history is concerned few at Oxford know anything of it, and not many desire to be better informed. The fact is, throughout England, so far as my means of observation enable me to form a judgment, all faces are historically turned towards the East. America and the history of our Western trans-Atlantic communities are little studied; nor are they looked upon as a profitable field of study.

Of this general, and possibly somewhat sweeping, proposition I had last winter a curious illustration, which subsequently, in the delivery of my course, caused me no little trouble. While in Washington it was my good fortune to see a great deal of our honorary associate, Mr. Bryce. Mr. Bryce evinced, moreover, a very considerable interest in my proposed course, he himself having for many years been an Oxford lecturer. One day when we were taking a long stroll together through the streets of Washington, he took occasion to inquire as to the topics with which I proposed to deal, and my methods of treatment. I at once told him that my main thesis would be certain phases of what we in America termed the "Civil War," — that is, the struggle which convulsed the United States and attracted the attention of the whole civilized world during the four years between April, 1861, and April, 1865. I was surprised and somewhat taken aback by what followed. In the gentlest possible way — most diplomatically, I might say — Mr. Bryce proceeded to intimate that I would probably find an English audience of the present generation, especially an Oxford lecture audience, quite uninformed on everything connected with our Civil War, which, indeed, had now become to the people of Great Britain somewhat remotely historical. In other words, our great American conflict of half a century back had quite passed out of English recollection, and taken its place with other episodes of a character more or less important which had since occupied and at the moment, perhaps, engrossed public attention. Occurring at different times

and in many countries, these, Mr. Bryce intimated, had now followed each other into oblivion; and our great ordeal had proved no exception to the general rule.

> Time hath, my lord, a wallet on his back,
> Wherein he puts alms for oblivion;

and, so far as an Oxford audience was concerned, to time's wallet I found my topic by high authority very comfortably assigned.

While, however, conveying to me in guarded terms this not altogether palatable intimation Mr. Bryce added the qualifying remark that when our war occurred — that is, during the period between 1861 and 1865 — he then being a recent Oxford graduate, the incidents of the struggle as it progressed had excited deeper interest in England, especially in social and political circles in London and Oxford, than any event of a similar character which has since occurred. He even went so far as to say that so intense was the interest at the time felt over that struggle, partisans of the South arraying themselves against sympathizers with the North, that discussions were discouraged. At the dinner table, for instance, passages occurred marked by acrimony and even rudeness. The ordinary social amenities were altogether too frequently disregarded. This he distinctly recalled; and what he said confirmed my own personal, in some connections painful, recollection.

There was, however, another observation of Mr. Bryce, made by him on the same or some similar occasion, to which also I must now refer. He intimated, again in diplomatic fashion, a decided doubt whether our Civil War as an historical episode and incident in the great evolutionary record would hereafter loom up in the same large proportions it always must bear in the minds of those of the American generation directly concerned in it, — the generation to which I personally belong. The issues, he more than hinted, were in his judgment either of no great fundamental importance, or, in the case of slavery, already foregone conclusions; and the personages who figured in the struggle would, he thought, become less considerable with the lapse of time. Finally, he more than implied a personal belief that the memorials we had created to them would not infrequently call for explanation.

This was to me a novel point of view; and then, and subsequently while preparing my lectures in London, I gave no inconsiderable thought to it. After all, might it not be so? Nations, like individuals, are always disposed to magnify the importance of events in which they are both personally and deeply concerned. Above all, going to Oxford to deliver a course of lectures, to a degree international in character, it behooved me to avoid anything which might seem grandiose in character, — the eagle must emit no semblance even of a scream! On this side, as I have already intimated, Mr. Bryce's remark occasioned me no little perplexity and, subsequently, a very considerable amount of labor, revisionary in character. In fact, I threw aside nearly all the material I had prepared, and, starting afresh, groped my way, so to speak, as I progressed, studying a British environment. My lectures, therefore, as they were finally delivered were altogether different in purport from those I had before I left home proposed to deliver. Still, I in the close wholly failed to concur in Mr. Bryce's judgment. On the contrary, the more I, from the point of view he had suggested, reflected on the matter the more I felt convinced that, as the years rolled on and the generations passed away, the results of our 1861–1865 conflict would assume ever larger proportions and become matter of more careful study. Our American Civil War will, in fact, when the final verdict is rendered, loom large and become an accepted episode of first-class and world-wide importance. Its dramatic features will also be recognized.

In this spirit, more and more possessing me, I prepared my lectures in the course of their delivery. So far as the issues involved in our struggle, and in some cases therein decided, were concerned, I felt I was teaching school. Of those issues I found myself impelled to emphasize at least three. First was the process and consummation of a national crystallization. The formal entry on the world stage of a Power admittedly of the first class is not, I submit, an incident of secondary historical importance or one likely to be forgotten. Such was, however, the direct and immediate outcome of our American Civil War. The next issue of importance decided in that conflict, chattel humanity, was also a world issue, the history of which goes back to the very beginning, — literally,

to the Book of Genesis. To any one at all acquainted with even Scriptural narrative, the fact that human servitude has existed from the commencement admits of no question. That in 1860 slavery as an institution was becoming subject to greater and greater recognized limitations is indisputable; as also that among the nations of the world of more advanced civilization it had ceased to exist. That it was then a system doomed throughout the world we now see. So far as the African was concerned, however, down to the Proclamation of Emancipation of President Lincoln, negro slavery was a recognized institution, certain exceptional countries alone having outlawed it. The Proclamation of Emancipation, one of the most dramatic acts in the history of mankind, thus literally struck the shackles from the bondsmen, irrespective of race or hue. This I felt more and more confident was another by no means inconsiderable outcome of our Civil War.

Nor was the next issue of less importance than those already specified, — I refer to the world movement towards what is now known as Democracy. That issue was very directly involved in our struggle. This no more admits of denial than that Democracy is an issue now much in evidence in European as well as American political activities, and more especially in those of Great Britain. It may be described in fact as the political issue of to-day, tending toward Collectivism, as it is called, and through that to Socialism. That this tendency received a pronounced impetus as one of the outcomes of our war, I take to be so indisputable as to call merely for mention.

Thus, Mr. Bryce to the contrary notwithstanding, as I meditated the matter in London, no less than three issues of Trans-Atlantic Historical Solidarity of first-class historical significance suggested themselves: first, United States nationality; secondly, the end of slavery or property in man; third, the evolution, if it may be so called, of Democracy. These, moreover, were what may be described as civil issues only. But, when it came to military and naval considerations, the importance of the struggle was no less marked. In fact, there it assumed largest proportions and deepest emphasis; for, whether by sea or on land, it revolutionized warfare. As respects maritime operations, this admitted of no sort of ques-

tion. The British navy of the Crimean war passed out of existence and was consigned, so to speak, to the junk heap, when the old-style United States 40-gun frigate *Merrimac*, crudely remodelled into a nondescript iron-shedded confederate floating battery and steam-ram, now called the *Virginia*, made its way from Norfolk to Fortress Monroe in early March, 1862, there unexpectedly encountering the newly devised armored and turreted United States steam-battery, the *Monitor*. Before that affair the navies of the world were made up of wooden sailing-ships with, perhaps, auxiliary steam-power; out of it emerged the super-*Dreadnought*. A revolution in naval architecture and tactics had in a single day been worked no less radical than that brought about by Drake and the British mariners through their windward manœuvring in the conflict with the Spanish Armada three hundred years before. It is no exaggeration to say that the action at Hampton Roads in March, 1862, bore the same relation to the attack of the combined British-French fleets on the defences of Sebastopol in October, 1854, that the destruction of the Armada in 1588 bore to the battle of Lepanto in 1571. This, for the sea. It was, however, precisely the same in military operations. During our war, as other nations have since learned, the discovery and application of the breechloader and magazine gun rendered frontal attacks impossible. The tactics of Napoleon were remitted to the past of Alexander. Thus, in spite of the doubts suggested by Mr. Bryce, my more mature reflection satisfied me that it was fairly a matter of question whether any conflict ever waged between men on earth had been more momentous, and more fruitful of results both immediate and remote than that in which, between 1861 and 1865, it had been given me to participate.

It was with this conviction and in this spirit I addressed myself to my work, feeling my way, so to speak, as I went along; for after reaching London I had to recognize the fact that I was addressing an audience quite uninformed on the subjects with which I was to deal, and far more interested in historical evolution and events either of the more remote past or even now elsewhere in progress. In other words, an audience which had to be educated, starting with the elementary.

My effort, therefore, throughout was to develop the close, at times the dramatic, connection of American history with their own. I selected my topics accordingly; with what degree of success remains to be passed upon by others. The ordeal, I freely confess, was one I should not care to be called upon again to face. In passing through it, moreover, I found myself compelled to omit, as impossible of condensation and use within the time allotted me, a large amount of material very necessary, from my point of view, to a correct understanding of the topics with which I dealt. The material thus set aside was indeed fully equal in amount to that used. The whole will appear in the published lectures, to the preparation of which I have now to address myself. In doing so I shall, as when at Oxford, continually bear in mind that I speak as President of this Society, addressing a foreign audience disposed to be courteous but in no wise actively interested. My object throughout, therefore, will be to impress such as may study my Oxford course with a sense not only of the importance of our American history in connection with that of Europe, but of the far-reaching world-wide influence it both has exerted and is hereafter destined to exert, from which Great Britain as a community has perhaps not least of all been exempt.[1]

Mr. WINSLOW WARREN read a paper on

THE COLONIAL CUSTOMS SERVICE IN MASSACHUSETTS IN ITS RELATION TO THE AMERICAN REVOLUTION.

The early history of revenue legislation in Massachusetts, and its actual administration in the port of Boston, runs into romance and revolution — it touches the deepest political convictions of the people and clearly marks the growth and progress of a spirit of independence in Massachusetts which resulted in numerous disturbances and disagreements long before the open outbreaks at the time of the Stamp Act, the

[1] In connection with this paper I also file in the Society's Scrap-book two newspaper clippings which have a very distinct bearing on the conditions under which the lectures in question were delivered, especially the fourth, and final, lecture. The first is from the *Boston Herald* of June 6, 1913; the second, reprinted from the London *Times*, is from the Boston *Transcript* of June 7th.

Tea Acts and the Boston Massacre, and culminated in the Revolution.

In considering the early attitude of the colonists, it is well to remember that they did not come to America as to a new country to which no one claimed title, for the king of England had proclaimed his ownership of all the land from the southernmost limits of Virginia to the Hudson, and even farther north upon the coast, and they sought and obtained his permission to settle upon his domains, in no way renouncing their allegiance, but on the contrary proudly claiming they were Englishmen — subjects of the king, with all the rights and obligations of Englishmen. To be sure, later on, they tried to draw a distinction between their duty to the king and that to Parliament, but it was somewhat academic and hardly a tenable theory.

Under the original charter of 1628, the Massachusetts Colony was exempted for a period of years from taxes, customs and subsidies upon goods exported to or imported from Great Britain and her dominions, and if the power to exempt be admitted the power to impose would certainly seem to go with it. That, however, does not appear to have been the view of the colonists, for while they did not directly assert their independence, it is surprising to see how far they went towards it in the very earliest days of the colony. In 1638 the General Court of Massachusetts in an address to the Lords Commissioners of Foreign Plantations against taking away the Patent which had been ordered sent to England, used these very suggestive words:

> If our Patent be taken from us (whereby we suppose we may claim interest in his Majesty's favour and protection), the common people here will conceive that his Majesty hath cast them off and that hereby they are freed from their allegiance and subjection *and thereupon will be ready to confederate themselves under a new government for their necessary safety and subsistence, which will be of dangerous example to other plantations and perilous to ourselves of incurring his Majesty's displeasure, which we would by all means avoid.*

The words I place in italics have a peculiarly threatening tone for this early stage in the game.

At the time of the Confederation of Massachusetts and

other colonies in 1643, Winthrop in his Journal says that they "omitted the oath to bear true faith and allegiance to our Sovereign Lord King Charles, seeing that he had violated the privileges of Parliament and had lost much of his Kingdom, and many of his subjects," and again in his Journal in 1646 we find the assertion that the Charter gave the Colony absolute power of government, for thereby he says — "we have power to make laws, erect all sorts of magistracies, to correct, punish, pardon, govern and rule the people absolutely" — and at the hearing before the Privy Council in England in 1646 upon the claims of Gorton and others, the colony agent, Edward Winslow, was directed to maintain that the freemen of Massachusetts had a right to omit the king's name from legal processes because the Colony claimed, " not by commission but by free donation of absolute judgment," that they showed their "subjection to England by framing their government according to their Patent received from her," that their exercise of admiralty jurisdiction was "an incident to their chartered power to defend themselves and offend others as well by sea as by land" — and that "the absolute power of government vested in them by the Charter secured them against the imposition of a General Governor." [1]

In their remonstrance to the Commissioners at that hearing, the magistrates of New England in reply to Gorton said that while an answer might be "prejudicial to their liberties granted by their Charter and to their well-being in this remote part of the world," they protested against its being drawn into precedent, and gave as a reason what sounds almost like a prophecy in view of the events a century later: "lest when times should be changed, — for all things below are subject to vanity, — and other Princes or Parliaments should arise, the generations succeeding should have cause to lament and say, England sent our Fathers forth with happy liberties which they enjoyed many years notwithstanding all the enmity and opposition of the prelacy and other potent adversaries — how came we to lose them under the favor and protection of that State at such a season when England itself recovered its own."

And the colony agent, Edward Winslow, in his address to

[1] Winthrop, II. *299–301.

the Lords Commissioners, said: "If we in America should forbear to unite in defence against the common enemy till we have leave from England, our throats might all be cut before the message would be half seas through."

The Gorton controversy had no reference to revenue matters, but I cite these paragraphs in illustration of the spirit thus early animating the Massachusetts colonists, for it was upon such theory that the Colony assumed the right to enact its own tariff laws and to collect revenue for the benefit of its own treasury upon goods imported; and it is plain that the British laws and orders restricting trade or asserting the right to collect revenue from goods imported into the Colony were opposed so far as it was safe, constantly evaded and only submitted to when opposition became dangerous. Not all the colony tariff laws were contrary to British laws, but many of them appear to disregard British trade restrictions and British acts forbidding importations from other countries. They certainly were in opposition to the British theory of absolute control in such matters, and in their practical working must have diverted funds from the British treasury and greatly encouraged neglect and disobedience of the trade and navigation acts.

The natural result of the repeated refusal of colonial legislatures to obey Parliamentary acts not submitted to them for approval and of the frequent legislation for the colony benefit only was to steadily foment bitterness between royal and colonial officers, and the constant irritation and excitement led more and more, as time went on, to an independent attitude.

For some years after the settlement of Boston in 1630, during the reign of Charles I, the Colony was practically allowed to manage its own affairs with little hindrance from the mother country, although there were threats of cancelling the Charter, and much uneasiness in England over the damage to British trade by the rapid development of the internal and external trade of the Colony; the result of this was various restrictive laws as to trade, but for a time they were not very strictly enforced. Upon the advent of the Long Parliament in 1642, an act was passed and transmitted to Massachusetts expressly exempting exports from England to New England to be used

there, and also any imports between the two countries, from any custom, subsidy, taxation or other duty, inward or outward, until the House of Commons ordered otherwise.

Here again was the plain assertion by their own friends in England of the full right of Parliament to legislate upon the subject.

During Cromwell's rule, from 1649 to 1660, England was fully occupied with her home affairs, and the colonists were so much in sympathy with the political and religious views of the dominant party in England that little attention was paid to the happenings here, although we find that in 1651 Parliament demanded of Massachusetts the surrender of the Charter, to which the Colony replied somewhat emphatically that it was fully satisfied, and took no action thereupon.

With the accession of Charles II, however, in 1660, the situation greatly changed, and questions of prerogative, complaints as to interference by the Colony with British trade and of neglect of observance of the stringent restrictions of the British trade and navigation acts, constantly embroiled the Colony with king and Parliament; yet, though vexatious and the cause of unlimited and sometimes sharp correspondence with the mother country, they can hardly be said to have assumed the proportions of an actual contest until in 1675 the ill-starred Edward Randolph appeared upon the scene and began to meddle with Colony affairs, and persistently and vindictively to urge upon the British authorities the adoption and enforcement of radical measures in regulation of the commerce of the Colonies, and compulsory obedience to trade and navigation acts and crown edicts. The causes of the drastic action which followed were mixed ones, by no means confined to trade or revenue matters, but involved religious differences and the whole question of the power of king or Parliament over the Colony under its Charter; still, it is clear that revenue questions and trade regulations were more directly responsible for the violence of the controversies and discussions which arose than any other one thing, for no other questions were so irritating and offensive or so calculated to appeal to the interests and passions of the people of America and to keep them in a constant state of agitation and excitement.

For many years there were prolonged and skilfully worded correspondence and despatch of agents to England, shrewd disclaimers on the part of the Colony and professed obedience, mingled with covert opposition, to king's missives and Parliamentary acts, while the Colony virtually nullified the acts regulating trade and claimed for itself, more or less openly, practical independence in legislation affecting its own trade. The result of this was that after long-continued dispute the king was finally induced by Randolph to take proceedings to vacate the Charter, to appoint royal governors and other officers, and to select Randolph himself as the royal collector of custom, for New England, with his office located at Boston. In all this the same principles were involved which a hundred years later were settled by the American Revolution, and thus early the people were trained to subsequent action by the consideration and discussion of matters infringing their rights as free men.

The Revolution of 1688 in England promised a change in the situation here, for the passionate feelings of the people were for a time assuaged by their loyalty to the new regime and by their expectation of a more liberal policy in England. But the new Charter of William and Mary in 1691 came as a grievous disappointment to the Province; for while it contained no assertion in direct terms of the power to impose taxes or duties, and no explicit prohibition of Provincial revenue legislation, it distinctly required all legislation of the Province to be submitted to the king for approval or rejection, and provided that all provincial laws not so approved should be invalid and of no effect; and it further made provision for the appointment by the Crown of royal governors and other officers, their salaries to be paid by grants from the legislature of the Province.

Notwithstanding these plain provisions requiring submission of all Provincial legislation to the king, there being no claim in the Charter exclusive of the power of Parliament to legislate, the Province seems to have proceeded upon the theory that *its* right also to legislate was either tacitly conceded or left in abeyance. Before the new Charter arrived the Province had passed acts continuing in force the former colonial legislation until 1692, and after the Charter was in force they still

legislated with not unfrequent failure to submit acts to the king, and in some cases treated acts as legally in force which had not been distinctly approved.

The lack of a positive policy by the Crown in the matter, or its spasmodic action, gave some force to the claims of the Province later on, and caused some embarrassment to the home authorities when they were ready to assume exclusive powers and really to enforce them.

Historians differ as to how far the trade and navigation acts were actually oppressive to the Colony. Bancroft says of them, that "Commerce must have been converted into a source of rankling hostility;" Lecky writes, that "political alienation could not have failed to be the inevitable consequence;" and in his *History of Tariff Administration in the United States*, John Dean Goss states, that in the colonial period various obnoxious English tariff acts were passed and more or less successful attempts made to enforce them, the result being to familiarize the colonists with methods of evasion and to emphasize the almost universal desire to cheat the Government.

Professor Ashley in *Surveys Historic and Economic* endeavors to break the force of these theories by the claim that the British trade and navigation acts were really for the ultimate benefit of the Colonies and that they had few commercial grievances, and Weeden in his Economic History rather agrees with Ashley, that the navigation acts were upon the whole a benefit to the Colonies; and Prof. Channing in an article upon the customs service contributed to this Society in April, 1910, goes still farther and says: "The Colonists had never troubled themselves about the constitutionality of these enactments [the navigation acts and trade restrictions], they had not disputed the legality of the law of 1672. . . . Even the passage of the Sugar Act of 1733 had not aroused doubts as to legislative supremacy of Parliament or as to the compatibility of that supremacy with the personal freedom of American Colonists."

These later writers are of high authority; but they appear to me to minimize in an unwarranted manner the excessive friction between the officers of the Crown and those of the Colony and the evidence of the constant and prolonged irrita-

tion of the colonists. The citations I have given and shall give later on not only show this, but seem to furnish incontrovertible proof that the colonists many times and in strong terms denied the supremacy of Parliament and nullified its acts, and that acquiescence in them was not consent, but submission to the strong arm.

If the grievances of the colonists were not real, history certainly shows that they took them seriously and asserted their rights in a surprisingly bold and independent spirit.

With this general review of the relations between the parties, let us trace, as far as time will allow, the actual course of events and the development of feeling and opposition aroused by revenue disputes under the various acts of Parliament and orders of commissioners.

As early as 1636 the Colony passed an act "for preventing the immoderate expense of provisions brought from beyond seas," providing that "whosoever . . . shall buy or receive out of any ship any fruit, spice, sugar, wine, strong water or tobacco, shall pay to the Treasurer one-sixth part of the price or value thereof," or if brought with intent to retail, one-fifth part. This order not to "extend to such wine as the deacons of the churches shall buy or procure, *bona fide*, for the churches public use."[1] The money thus raised was to be paid over to the colony Treasurer, Richard Dummer.

This was a police or sumptuary matter rather than a tariff, but in its operation produced revenue, though the trustworthiness of the deacons may seem a trifle impugned by the exemption of such a wine only as they should buy *bona fide* for the churches' use.

In 1642 Parliament, as before stated, exempted British vessels or colonial vessels with goods to or from England, from any customs or duty inward or outward in the kingdom of Great Britain or New England. While this has no reference to colony legislation, its importance is that it clearly assumes the unlimited power of Parliament to legislate on customs duties in New England, and it is evident that the Colony in no way treated it as an infringement upon their rights; on the contrary, they entered upon the records of the General Court their humble and thankful acknowledgment for it.

[1] *Mass. Col. Rec.*, I. 186.

In May, 1645, the Colony enacted what appears to be their first direct revenue act, providing that all wines should pay "by way of custome or imposition." [1] In October of the same year it was enacted that; "For the better defraying the great charges that necessarily attends the public occasions of this Commonwealth, which by all is desired to be lessened as much as they may be, . . . every person that shall receive any wines from any vessel . . . shall pay to the officer appointed to receive it, for every butt or sack 10 shillings." [2]

In 1646 a power was given the Auditor General as Chief Customer to enforce this law of 1645, somewhat resembling that claimed by the Crown in 1760 under the Writs of Assistants.

It is ordered by the Courte that the said auditor hath power, and is hereby required, to go into all the houses or cellars he knoweth or suspecteth any wine to be, and from time to time shall seize upon such wines as are not entered, and also seize upon and take possession of so much wines, etc., as to make payment of what custome is due; . . . and hereby all constables and other officers are required to assist and ayde the auditor in the discharge of his dutye, and helping to breake open such houses or cellers if the owners of such wines shall refuse to open their dores or deliver their keyes in a peaceable way.[3]

The act itself was strictly a revenue tariff for expenses of the government, and was considered an impost rather than a tariff.

In May, 1648, the General Court ordered: "for the better support of the government of this commonwealth, and the maintenance of fortifications for the protecting and safeguarding of our coastes and harbours, for ourselves and others that come to trade with us, it is ordered by this Courte, and the authority thereof, that every person . . . bringing wines into any of our harbours, in any shipp or vessell whatsoever, (except they come directly from England, as their first port,)" is to make entry by a note delivered to the officer that is to receive the customs at his house; and for the better recovery of any such customs, power was given to the chief officer as before to enter houses and cellars.[4] This act applied also to all wines imported from the other American Colonies.

[1] *Mass. Col. Rec.*, II. 106.
[2] *Ib.*, 130.
[3] *Ib.*, 152.
[4] *Ib.*, 246.

If any interest was felt in England regarding these particular acts, nothing appears of record; but after Charles's accession in 1660, the merchants of London made such serious complaints against the growing interference of the Colonies with their trade, that action was taken to protect British trade by enforcement in the Colonies of the trade and navigation acts, and by compelling the Colonies to trade only in British vessels or with British subjects, and by allowing no goods to be landed in America from other than English domains without entry first in England, or with provision for returning to England any duties collected; and severe restrictions were laid also upon colonial manufactures competing with those of England.

This opened up immediately a very active correspondence between the British authorities and the colonial, — the former vigorously insisting upon more strict compliance with the trade and navigation acts, and the Massachusetts authorities (for we are confining ourselves to events here, although the other Colonies were equally involved, though perhaps, more compliant), claiming that all laws binding upon them had been obeyed, or, as they calmly put it, — "being not conscious to ourselves that we have greatly violated them." It is evident, however, that Massachusetts did not change its laws or cease to collect revenue from goods imported from other countries than England, although she did make show of compliance with the trade and navigation acts, so far at least that the Governor issued orders that bonds should be taken from shipmasters to make true return of goods or of proceeds received here, to his majesty's customs in London.

In some measure the Governor's orders were obeyed; but the royal officers still complained of the difficulties and obstructions placed in their way, and of the very little assistance given by the colonial authorities in enforcing the orders. That there was a large contraband trade in direct violation of English law cannot be doubted; nor that revenue collections hardly less illegal went on for the Colony's benefit regardless of Parliamentary acts.

In 1653, an act was passed by the Colony imposing a duty on "strong waters" except from England;[1] and one in 1668

[1] *Mass. Col. Rec.*, III. 318.

imposing duties on cider, wines, etc.[1] Another in 1668 reads as follows:

This Court, being sencible of the great necessity to regulate the way of raising moneys for the defraying of the publick chardges of the commonwealth, experience from time to time, making it to appeare that the concernes of the publicke doe require supplyes of moneys out of their treasury, when, as by reason of the great poverty thereof, and the vnsuiteableness of the specie therein to answer the emergencies that doe often happen, the streights of this Court are many and inextricable, and the publicque weale in a suffering condition, doe therefore order, and hereby enact, that there shall from after the first of March next coming, be a custome imposed on all goods and merchandizes . . . imported into this jurisdiction." [2]

Under this they appointed commissioners to bring it into effect. That they proceeded to the best of their ability to do this, is evidenced by the following extract from the town records in 1672–73:

At a meetinge of the Selectmen. At the request of Capt. John Allen, Collector of the Customes, and upon his complaint that Henery Montfort refused to pay his customes or showe his Invoyces of goods imported as the lawe requires, which apeares by the testimony of Richard Knight, and the said Montfort confessinge he had 4 tunns of goods landed out of Mr. Greenowes ship not entred by him with the said Collector. It is ordered that the said Montfort pay said Capt. £16 in money for the impost of said goods rec'd ashore.[3]

This act would seem to be in utter disregard of any laws or orders from England; and in 1670 there was another act repealing the law of 1668 and imposing duties on all goods from foreign parts, with few articles excepted, and providing that the revenue arising by rate or custom of goods imported should be returned to the public treasury, — that is, the colonial treasury. This 1670 act appears also to be in conflict with the British trade and navigation laws.

In 1672 the Council for Plantations was constituted a Council for Trade and Foreign Plantations.[4] The British

[1] *Mass. Col. Rec.*, IV. Part ii, 366.
[2] *Ib.*, 409.
[3] *Boston Town Records*, 1660–1701, 73.
[4] Andrews, *British Committees, Commissioners, and Councils of Trade and Plantations*, 1622–1675, 106.

Parliament, inspired evidently by the constant complaints of the neglect of the trade and navigation acts and of the independent action of the Colonies, passed a still more stringent act applicable to the Colonies. This act assumed for Parliament extreme powers as to the trade of the Colonies, and it is difficult to see how the colonial tariff laws could have been held consistent with its provisions. It left no manner of doubt as to the construction in England of the rights of Parliament under the Charter, and equally left no room for any claim by the Colony of concurrent jurisdiction as to trade or duties. Still, no change of policy appears in the Colony, and customs duties were imposed and collected the same as before. It is not surprising then to find an increased protest in England against the inefficient way in which the British acts were enforced in America.

In 1675 that stormy petrel, Edward Randolph, made his appearance in Boston, and the long and bitter quarrel between him and the Colony may be said to have fairly begun.

To the complaints against the Colony for neglect and disobedience to the trade laws, were now added the very serious and dangerous claims of Ferdinando Gorges and John Mason to territory supposed theretofore to have been included in the grant under the colony Charter. This opened up the question of the general powers of the Colony under the Charter, the extent of the former's jurisdiction as well as of the prerogative of the king, and went far beyond questions of trade and revenue in threatening the Colony's existence as a quasi-independent government, or at any rate in restricting its bounds.

Randolph, by his persistent and malignant representations in London, procured, in 1675, a Parliamentary act "to settle collectors in New England as in other places, that they might receive the duties and enforce the laws." This, if carried out, transferred the collection of such duties from England to this country. On June 10, 1676, Randolph again returned to Boston with an emphatic letter from the king and instructions as to the Colony's neglect and evasion of the trade and navigation acts, as well as to the broad claims of Gorges and Mason, and also peremptory orders to the Colony to forthwith despatch agents to London to explain their proceedings and justify their claims under the Charter.

Randolph presented and read the king's letter to the old Cromwellian governor, John Leverett, but met with a very cold reception. The Governor kept his hat upon his head during the reading of the letter, thereby, Randolph claimed, showing intentional disrespect to the king; treated Randolph himself with impatience; demanded at the conclusion of the reading who "that Coventry was" who signed the letter as Secretary; and then, suggesting that "the Letters contained very inconsiderable things easily answered" and that "it did not concern his government to take notice thereof," paid no further attention to them other than by asking his Council to sustain him in executing the colony authority.

Naturally Randolph regarded this as high-handed defiance, and was yet more incensed when at the meeting of the General Court in August, 1676, the letter and instructions being laid before them, their only action was a show of submission by appointing agents, and furnishing them with long and elaborate explanation and justification of the Colony's claims, to be submitted by the agents in London. Randolph wrote home: "He [Leverett] freely declared to me that the lawes made by your Majestie and your parliament obligeth them in nothing but what consists with the interest of that colony, that the legislative power is and abides in them solely . . . and that all matters in difference are to be concluded by their finall determination, without any appeal to your Majestie, and that your Majestie ought not to retrench their liberties, but may enlarge them." [1]

A considerable time now elapsed without much progress in the matter, though Randolph's tactless behaviour increased the excitement of the people as well as his own unpopularity. In Sewall's *Diary*, under date of 1676, we find mention that "Capt. Henchman and I witnessed Mr. Dudley's commission for collecting the customs." This was Joseph Dudley, afterwards President of the Provinces; and the commission was doubtless a colony one; for in a colony act shortly after, ships and vessels were required to pay duty to Dudley for Boston and Charlestown, no royal collector having been appointed up to that time.

In 1677, the Colony passed a law reviving a former one,

[1] *Hutchinson Papers* (Prince Soc.), II. 243.

and requiring an oath of fidelity to the Country from all in authority. The king sharply wrote the Colony that this was "a snare in the way of his good subjects." Why it was "a snare" is apparent only by construing the oath of fidelity to the country as leaving it uncertain which country was intended.

In October, 1677, either in consequence of royal orders, or to justify itself on the record, the Colony adopted the following act, which utterly ignored Randolph, — who then had returned to England, — and stated as the immediate cause of their action and as new facts, things which for years had been apparent and often rehearsed by Randolph and in royal letters and orders. It was as follows:

> This Court being informed by letters received *this day* from our messengers, of his majesty's expectation that the acts of trade and navigation be exactly and punctually observed by this his majesty's colony, his pleasure therein *not having been before now* signified unto us, either by expresse from his majesty or any of his ministers of state, it is therefore hereby ordered, and *by the authority of this Court* enacted, that *henceforth* all masters of ships, ketches, or other vessells . . . arriving in or sayling from any of the ports of this jurisdiction, doe, without covin or fraud, yeild faithfull and constant obedience unto and observation of all the said acts of navigation and trade, on penalty of suffering such forfeitures, loss and damage as in the said acts are particularly expressed; and the Governor and council, and all officers commissionated and authorized by them, are hereby ordered and required to see to the strict observation of said acts.[1]

The italics are not in the original, but are here used to emphasize the apparent contempt of the Colony for Randolph. The act itself, while acknowledging at a very late day and in a somewhat perfunctory manner the Colony's ready obedience to the royal commands, promises performance solely through colony officers under authority conferred upon them by the colony Court. The very passage of the act and its wording show how little obedience had previously been rendered. The act settled nothing; and it hardly admits of question that it was not expected to help matters much. The fire of letters continued — explanations, protests, justifications, profes-

[1] *Mass. Col. Rec.*, v. 155.

sions of compliance with royal commands followed without number — the British officials all the while demanding something more than words, and the Colony pointing to their laws as showing compliance, and expressing their great anxiety to do anything to meet his majesty's views concerning their laws, "except such as the repeal whereof will make us renounce the proposed cause of our first coming thither." The significance of this exception deserves special attention.

After this scarcely veiled announcement of practical independence they gave a singular explanation of their proceedings in collecting their own revenue from goods imported from England, in these words: "About customs we say that impositions upon goods imported from England is not properly customs, but a rate upon such an estate as a penny a pound when it comes into the merchant's hands as all other inhabitants pay for their cattle and others their estate which they have."

The ingenuity of all this is more evident than its logical soundness, and affords little evidence of the desire or intention to comply in fact with the British laws. It served well, however, to delay proceedings; and the Colony availed themselves to the utmost of the time thus gained in the prosecution of illegal trade and collection of revenue. Randolph, however, was neither deceived nor diverted by professions of obedience, and in spite of the lengthy epistles and the activity and energy of the colony agents, he pressed his complaints in London and in December, 1677, again appeared in Boston and endeavored to enforce the trade laws and compel submission to the royal authority. Meanwhile, as stated, the Council for Plantations had been constituted a Council for Trade and Foreign Plantations, and given enlarged powers.

The Diary of John Evelyn affords remarkable confirmation of what I have said as to the position of the Colony and shows clearly enough the impression made in England and how early the talk of independence was in the air. Evelyn was one of the Commissioners of Trade and Plantations, and writes that May 26, 1671, a meeting of the Commissioners was held in London and that after transacting other business,

> what we most insisted on was to know the condition of New England, which appearing to be very independent as to their re-

gard to old England or his Majesty, rich and strong as they now were; there were greate debates in what style to write to them, for the condition of that Colony was such that they were able to contest with all other Plantations about them, and there was feare of their breaking from all dependence on this Nation. . . . We therefore thought fit in the first place to acquaint ourselves as well as we could of the state of that place, by some whom we heard of that were newly come from thence, and to be informed of their present posture and condition; some of our Council were for sending them a menacing letter, which those who better understood the peevish and touchy humor of that Colonie were utterly against.

[June 6] I went to Council, where was produc'd a most exact and ample information of the state of Jamaica, and of the best expedients as to New England, on which there was a long debate, but at length 't was concluded that, if any, it should be only a conciliating paper at first, or civil letter, till we had better information of the present face of things, since we understood they were a people almost upon the very brink of renouncing any dependence on the Crowne.

[Aug. 3rd he writes:] A full appearance at the Council. The matter in debate was, whether we should send a Deputy to New England requiring them of the Massachusetts to restore such to their limits and respective possessions as had petitioned the Council; this to be the open commission onely, but in truth, with seacret instructions to informe the Council of the condition of these Colonies, and whether they were of such power as to be able to resist his Majesty and declare for themselves as independent of the Crowne, which we were told, and which of late yeares made them refractorie. Coll. Midleton being call'd in, assur'd us they might be curb'd by a few of his Majesty's first-rate fregats, to spoile their trade with the islands.

Thus, a century before the American Revolution, it appears that there was fear in England that New England would assert her absolute independence.

In 1678 we find the following declaration by the General Court of the Colony: "Wee humbly conceive . . . that the lawes of England are bounded within the fower seas, and doe not reach America, The subjects of his majestie here *being not represented* in Parliament." The italics are mine, but this would seem to have been a somewhat bold and dangerous defiance of the royal authority at this juncture, and to have

proclaimed pretty clearly the doctrine of the American Revolution a century later, — no taxation without representation.

Things had now reached an impasse, and for several years no change appeared in the attitude of either side to the controversy until February 15, 1682, when the following colony act was passed:

> For the sattisfaction of his majesty and the better regulating of the navigation and trade of this jurisdiction, and in pursuance of a lawe made October 10, 1677, referring thereunto, it is ordered and enacted by this Court and the authority thereof, that the act of Parliament made in the 12th yeare of his majesty's reign, intitled an act for the Encouragement of Trade, be forthwith published in the market place in Boston by beate of drum, and that all clauses in said acts relating to this plantation be strictly taken notice of and observed as said acts requier.

Following this, was the provision that "by the authority aforesaid [that is, of the Colony], that a Naval office be forthwith erected and settled in the Town of Boston for the entering of ships."[1]

The tardiness of this action and the renewed assertion of colonial authority are particularly noticeable, and it is evident that Randolph rated it as mere words. He again sailed for England, and returned to Boston, December 17, 1681, with a commission from the king as "Collector, Surveyor and Searcher of his Majesty's Customs in New England," and also with a commission to William Blathwayt constituting him Auditor and Surveyor General.

These commissions were laid before the General Court in February, 1682; but Randolph writes: "They proceeded to revive an old law, and to trye me for my life for acting by his Majesty's commission before it was allowed by them."

He also produced to the General Court a letter from the king dated October 21, 1681, saying, "We are fully resolved in the Trinity Term next ensuing to direct our Attorney General to bring a *quo warranto* in our Court of Kings Bench whereby our Charter granted unto you, with all the powers thereof, may be legally evicted and made void."

Notwithstanding the exasperation of Randolph and the extreme seriousness of the situation, the General Court took

[1] *Mass. Col. Rec.*, v. 337.

no other action than to alter some laws and to prepare an address to the king, and to notify that the Colony had already sent to him Joseph Dudley and John Richards as agents. They arrived in London August 20, 1682, but were so hampered by secret instructions that nothing was accomplished.

In 1682, the General Court provided a Royal Custom House — said to have been in a brick building at the corner of North and Richmond Streets (Olde Red Lyone Inn), and Randolph issued notices that he was ready for business, forbade vessels from entering and clearing at any other place, and attempted to collect duties or impose fees upon all vessels coming to or departing from the port. His notices, however, were taken down by the Marshal under the influence it is said of prominent men in the Colony, and in every way his processes were obstructed or overruled.

This Custom House appears to have been mainly for enforcing the navigation acts and acts of trade, and any duties collected were probably for the expenses of the service. In its operation it must have been to some degree in opposition to the colony customs service, which still collected duties under colony acts in apparent contradiction or neglect of the Parliamentary acts. It may be well doubted whether the royal officers had more than the symbols of authority, and whether they accomplished much other than to increase the excitement and add to the stubborn opposition of the Colony. That the colonial legislation was interfering with the royal customs authority is evidenced by a letter of Randolph at this time complaining that he could not collect customs until the Naval office was abolished.

In October, 1681, the Colony authorities had received a sharp letter from the king, instigated of course by Randolph, complaining that "the Collector had not been able to execute his office to any effect, and that attachments had been brought against him and his officers for doing their duty"; and in reply they had written that "Mr. Randolph was acknowledged as Collector and his Commission enrolled." While this was strictly true, it was about as far as Randolph had progressed. He held the empty title; but the Colony enacted the laws, protected offenders, and in many ways obstructed his processes.

During the winter of 1683 Randolph again returned to

London. In all, he is said to have crossed the ocean fourteen times. This time he was determined if possible to make an end of the matter; and on June 27, 1683, he procured an order vacating the charter, and arrived back with it October 23, 1683. November 7 the General Court was assembled and the documents laid before them: but their only action was to empower Mr. Robert Humphreys, a London barrister, to appear for the Colony.[1]

In 1683, the General Court constituted Boston and Charlestown a lawful port of entry, and all ships and vessels were forbidden to break bulk before entry with the Governor and Naval officers in Boston, or with Naval officers elsewhere; but empowering his Majesty's officer to visit and seize vessels for violation of the laws, and requiring all vessels to give bonds and have certificates as the acts of Parliament required, before taking goods on board, other than ship's stores.[2]

This was the formal establishment by law of the port of Boston, the officers being colonial officers. How far this was to enforce colonial duties is not clear; the power given to "his Majesty's officer" indicates that it was in apparent compliance with the navigation acts, but its chief interest to us is in the renewed assertion of the colony jurisdiction in such matters.

On October 23, 1684, final judgment against the Colony was entered — not under the *quo warranto*, proceedings having been changed to a *scire facias* under which the vacating of the Charter was ordered; but soon after, Charles II died, and February 6, 1685, James II succeeded to the throne. The government of the Colony for a time was provisional only; and there was no change in the situation until May 14, 1686, when Randolph appeared with an exemplification of the judgment against the Charter, and with commissions for Joseph Dudley as President of Massachusetts, New Hampshire, Maine and the king's Province; for William Stoughton as Deputy; and Edward Randolph as Secretary and Register.

Still in 1685 we find a colony act, "By this Court and the authority thereof," providing that Masters of Ships etc. should report to the Naval officer of the Colony all arrivals of wines and strong liquors;[3] and as late as 1686 Samuel Nowell was appointed Naval Officer.

[1] *Mass. Col. Rec.*, v. 421–424. [2] *Ib.*, 383. [3] *Ib.*, 478.

May 20, 1686, Dudley presented his Commission to the General Court and it was read. The Court made no reply other than to object to its arbitrariness and to the abridgment of the liberties of the people as Englishmen, and adjourned *sine die* after putting on record these suggestive words in the nature of a caveat:

> But if you are so sattisfied therein as that you hold yourselves obliged thereby, and do take upon you the government of this people, although wee cannot give our assent thereto, yet hope we shall demeane ourselves as true and loyall subjects to his majesty, and humbly make our addresses to God, and in due time, to our gracious prince, for our reliefe.[1]

Dudley having secured office for himself by betraying the Colony, now set up the new Provincial government; but all was not smooth sailing, for very soon questions relating to the establishment of Episcopacy caused bitter dissension in the Council, and Randolph erelong became an open enemy of Dudley, while the people, quiescent but sullen, took what comfort they could in the discord and quarrelling among their rulers.

The royal authorities, May 25, 1686, designated Giles Dyer as Receiver of the duties upon imported wines and liquors. John Usher was made Treasurer of incomes and revenues of the government, and Mr. Nowell, the Colony Naval Officer, was ordered to turn over his receipts and accounts, and presumably did so. Dyer probably occupied the Customs office on North and Richmond Streets; but what revenue he collected does not appear, or how long he exercised the duties of the office, though entries appear in England of the payment of his salary, and that of his Deputy.

December 20, 1686, Sir Edmund Andros, with a commission as Captain General and Commander in Chief, with Randolph as Secretary, arrived in Boston, superseded Dudley, and assumed absolute power. The people were subjected to a series of arbitrary measures, some plainly illegal, such as the levy of a poll tax and a tax for defraying the expenses of the government; and many persons who opposed these measures or refused to obey were summarily imprisoned.

[1] *Mass. Col. Rec.*, v. 516.

A violent but hopeless struggle followed, owing to Andros' attempt to forcibly establish Episcopacy and to enforce other drastic measures, which continued until the Revolution in England in 1688 and the accession of William and Mary, when the excited people of the Province rose in open rebellion, overthrew and imprisoned Andros and Randolph, and shipped them to England for punishment.

The long and dramatic contest with Randolph thus ended. It was only to a limited extent over customs matters, but his attempts to enforce strictly the navigation acts, and to curb the independent spirit of the Colony by hampering and restricting its trade and by interference with its collecting and spending its own revenue under Colony laws, did more than aught else to inflame the people, to rouse in their minds a realizing sense of colonial rights, and thereby to sow the seeds of future revolution. Combined with revenue questions was undoubtedly the bitter feeling roused by the opposition of the Puritan theocracy to the attempt of Andros to establish the English church in Boston; but that controversy was of later origin and of shorter duration than the long revenue fight.

A short period of calm followed while the people, exuberant in their loyalty to the new monarchs, looked hopefully forward to the renewal of their old Charter. While waiting for news from England, they resumed the Charter of Charles I, installed the officers elected before it was vacated, ratified the old colonial laws until formal action should be taken in England, and despatched agents to England to seek a renewal of the Charter of Charles I.

We have not been able to locate any customs house of the Colony during this controversy, and it was probably in the Town House where other colonial offices were; but there were numerous revenue appointments made under the various colonial statutes, and the officers were paid from the colonial treasury.

In 1691, contrary to the hopes and expectations of the people, the new Charter of William and Mary confirmed the establishment of the Province, with royal officers appointed by the Crown, and required submission to the Crown, for approval or rejection, of all laws made by the Province. This

requirement does not seem to have been complied with, for some Provincial laws were not formally submitted; but it is significant that one of prime importance was so submitted and promptly disapproved, being an act setting forth general privileges, and especially that "no aid, tax, tallage, assessment, custome, loan, benevolence or imposition whatsoever shall be laid, assessed, imposed or levied on any of their majesties' subjects or their estates, on any colour or pretence whatsoever, but by the act and consent of the governour, council and representatives of the people, assembled in General Court."[1]

After the rejection of this, it is not easy to see how the Province could claim the right of independent legislation. Still the General Court did pass acts that were regarded as in force without the royal assent.

In 1692, Sir William Phips arrived with commission as Governor and *ex officio* Collector of Customs, with Benjamin Jackson as Deputy.

The situation then became involved; for in 1691 the king had also commissioned Jahliel Brenton, a native of Rhode Island, as his Collector of Customs, Surveyor and Searcher, at Boston. There was now an apparent conflict of jurisdiction between two sets of royal revenue officers; and the people appear to have recognized the Phips' appointment rather than Brenton's. In a letter to their agents in England they wrote: "Mr. Brenton, their Majesties' Collector, has been endeavoring to impose upon the government by obliging all masters of ships and other vessels to enter and clear with him, thereby burdening the people with unnecessary and unreasonable fees, of which complaints have been frequently made. We do not find any Act of Parliament requiring the same, there being nothing of the growth or produce of this Province from which any customs arise; and the governors of the several plantations are especially enjoined by law to take care that the acts of trade and navigation be duly observed under a severe penalty for their neglect." This is a little confusing, but seems to indicate that the Province rather relied upon its own officers to enforce the law, for apparently no custom houses had yet been established in the Province by act of Parliament.

[1] *Province Laws*, I. 40.

Brenton, becoming indignant at the cool neglect of his authority, proceeded to test the matter by seizing a vessel and cargo for illegal entry, and the result was an open quarrel between him and Phips, who claimed, by virtue of his Commission as Vice Admiral, the right to exercise Admiralty jurisdiction and that Brenton had overstepped the bounds of his office as collector. Upon Brenton's refusal to release the property, Phips took the law into his own hands, proceeded to the wharf, and assaulted Brenton while discharging his duties as collector, and took the vessel and cargo out of his custody.

Following this rather high-handed proceeding, Brenton and Captain Short, commanding their Majesties' frigate *Nonesuch*, filed a complaint against Phips, and he was summoned to London for explanation. Before leaving, he attacked the Captain, broke a cane over his head, and committed him to prison; then departed with Brenton to carry the contest before the home authorities, but no definite result was reached, as he died in London in 1695. So far as the people were concerned the situation must have been rather to their satisfaction; for while definite action was suspended, they were left to go their own way in the matter.

We do not find mention of any other royal collector until 1707, when John Jekyll held the office and continued in it until 1721, being succeeded by his son John, who was collector until 1740. During this period, Parliament passed other revenue laws applying to the Province, and in 1718 the Provincial legislature passed an act levying a duty on West India goods, wines, etc., and upon English manufactures and English ships. This, apparently, was in direct contravention of the provisions of the new Charter, and if duties were collected under it, it must have been by a Provincial collector; for it is hardly conceivable that the royal collector, Jekyll, could have recognized its legality. It further appears that the king issued instructions in 1719 withholding consent from all bills imposing duties on English goods and the Council after long controversy with reference to disregarding the instructions, waived the matter, and English goods were thenceforth admitted free. In fact, about this time the tariff showed signs of becoming a local issue, for the Province having passed an

act imposing duties, Boston protested on the ground of local injustice and demanded obedience to the King. How long after this a provincial custom house was maintained is not clear, but as late as 1757 one existed in Scollay Square, upon the site of the building afterwards known as the Scollay Building.

Phips' successor was William Stoughton, and after him came the Earl of Bellomont. Before the latter's arrival in April, 1698, the Council of Trade and Foreign Plantations was replaced by a Board of Trade known as the Lords of Trade, and they continued in power until the opening of the American Revolution. Officers of the revenue were now given the same powers as those in England; new restrictions were placed upon the trade of the Province; the paramount power of Parliament was more strongly asserted; all Provincial statutes, past and future, in conflict with these powers were declared void; and, to make things more offensive to the Province, Randolph was again made Surveyor General.

The people indignantly protested against these acts, and asserted their rights as Englishmen; but there were no open outbreaks.

Bellomont was succeeded by the unpopular administration of Joseph Dudley; and after him came successively Governors Shute, Dummer, Burnet and Belcher. Their administrations were anything but harmonious; but in the absence of complete records, it does not appear that the controversies were over customs matters, except for the excitement caused by the Molasses Act of 1733, which, by imposing a duty upon that article inflicted a serious blow upon the large business of the Province in the manufacture of rum. There were bitter opposition and much disturbance of business; but fortunately the enforcement of the act was somewhat lax. The Declaratory Act of Parliament of 1740, under which the Land Bank and Specie Bank were suppressed, also aroused bitter opposition, the Province claiming that Parliament had exceeded its powers. Both of these acts were contributing causes to the Revolution following. Though the people had been, by the Charter of William and Mary, deprived utterly of rights dear to them and which they believed were legally theirs, they accepted the situation in a sullen way, and whatever discon-

tent there was, beyond that above referred to, manifested itself largely in contests between the legislature and the royal governors over the demand of the latter for permanent grants of salaries, always steadily refused for a longer period than one year, over currency matters, and with reference to the general powers of the royal government in religious and other matters not connected with the revenue.

December 2, 1741, Sir Charles Henry Frankland, whose romantic story was an interesting episode in Provincial history, was appointed collector, and William Shirley, governor of the Province; this being the result of a compromise, Shirley having originally sought the position of collector. Frankland's administration was a brief one and a dismal failure, for he was soon removed from office for inattention to his duties. The custom house was then in the Frankland mansion on Bell Alley, corner of Prince and Garden Court Streets; and the governor's son, William, was Naval Officer.

Shirley was Governor from 1741 to 1757, and his administration was a notable one and upon the whole a popular one in the Province. During its continuance the religious controversy between Whitefield and Edwards excited much interest; the war with France in 1745 and the capture of Louisburg by the allied British and Provincial forces occurred; great feeling was aroused by the impressment of seamen; and the French war of 1756 was fought which served as a training field for the men of the Revolution.

Shirley figured as a warm friend of the people, and with considerable success, as he instigated some measures of benefit to their navigation and commerce, and gained popularity by the French wars and the prominent part taken in them by colonial troops, particularly at the capture of Louisburg; but he played a double part as to measures for taxing the Provinces. His correspondence — made public later [1] — shows that he was the first to urge upon the authorities in England a definite revenue system to be applied to the Provinces, the proceeds to be disposed of by Parliament for expenses attendant upon the defence of the Province. In 1749 he wrote to England suggesting the erection of fortresses and the imposition

[1] See *Correspondence of William Shirley*, edited by C. H. Lincoln, published in 1912.

by Parliament of a tax for their maintenance, and in 1755, under his advice, a resolve was adopted in Parliament to "raise funds by a stamp duty and a duty on the products of the West Indies imported into the Continental Colonies." This resolve was followed by an indignant protest from Massachusetts and by immediate instructions to her agent "to oppose everything that shall have the remotest tendency to raise a revenue in the plantations for any public uses or services of government," meaning, of course, the British government.

No positive action was taken in England upon this resolve; but it marks the first step towards internal taxation, made more palatable by the promise of applying the proceeds to the expense of Provincial defence.

There was great unrest in the public mind, increased by excitement over the impressment of seamen by the British; but in the absence of knowledge of Shirley's double dealing, there was no actual outbreak. In fact, the attention of the public was pretty thoroughly absorbed by the events of the first French war.

The site of the royal custom house, if there was one during this period, does not appear; but the records show that in 1757 William Sheafe succeeded John Jekyll as acting royal collector, and occupied the position until September 25, 1759, when Benjamin Barons succeeded; and upon his resigning, George Cradock was appointed and occupied as a custom house the house of John Wendell at the corner of Court and Tremont Streets, where the Hemenway Building now stands. Sheafe appears to have held the office under appointment from John Poogram, Surveyor General of Customs, then supreme head of the customs authorities.

In 1757, Shirley was succeeded by Thomas Pownall, during whose administration Quebec was captured by Wolfe; and in 1760 he was followed by Francis Bernard, with Thomas Hutchinson as Lieutenant Governor and as acting Governor in 1769, upon Bernard's departure for England.

The feeling which had slumbered for years now began to openly manifest itself with the renewed movement in England to tax the Provinces. In November, 1760, under Bernard, the issue was forced by the determination of the Crown to

insist upon a more stringent enforcement of the navigation acts and by the order issued by Charles Paxton, the Surveyor General of Customs in Boston, to James Cockle, the Collector of Customs in Salem, to apply for writs of assistants.

Paxton had long been a leading spirit on the royal side, and by his arbitrary acts had made himself very obnoxious to the people. John Adams described him as "the essence of taxation and revenue."

The writs appear to have been actually issued to William Sheafe, then acting as collector in Boston in place of Cradock, Paxton's part in the matter being the order to Cockle to apply for their issue. They were not altogether novel writs, somewhat similar ones having been issued in Charles II's time, naming special buildings or places, but the scope of these new ones was enlarged, giving general power to customs officers to invade any houses or dwellings without naming them, in search for smuggled goods, and to call upon the people as a *posse comitatus* to assist.

The earlier colony laws had given somewhat similar powers to colony officers, and under the federal tariff acts since the adoption of the Constitution we find like powers; but it was an inopportune time to extend or enforce royal authority upon a people already restless and excited.

An immediate appeal to the courts followed, and the dramatic and notable scene when James Otis, in the height of his popularity, resigned the office of Advocate General to appear, with Oxenbridge Thacher, for the people before Chief Justice Hutchinson and the full court to argue against the legality of writs. The cause was lost before the court, but the impression made by the bold argument of Otis was profound, and the principles he outlined led straight to the American Revolution.

January 4, 1762, we find Sheafe acting as Collector with Benjamin Pemberton as Naval Officer, under Commissions from John Temple, Surveyor General; but on May 28, 1762, Roger Hale succeeded as collector. Again the scene shifts to matters of internal revenue by the news which arrived in Boston in 1764 of the passage of the Stamp Act. Early in 1763, Charles Townshend had introduced an act in Parliament to raise a revenue in the Provinces. This act failed; but

later a hardly less obnoxious act passed, requiring British officers of the navy to act as customs officers, and giving them a share in the proceeds of cargoes confiscated for violation of revenue laws.

Grenville then became head of the Treasury, and the ball opened in earnest. In September, 1763, the Stamp Act was passed and orders given to the military to assist revenue officers in suppressing contraband trade.

In 1764 Jenkinson's bill for a duty on molasses and white sugar was passed, renewing the old act of 1733 and providing that the proceeds should be paid over to the royal treasury. Bernard reported that the act caused greater alarm than the taking of Fort William Henry by the French. The menace to the liberties of the people now became clear, and revolt everywhere filled the air. The Sugar Act was bad enough; but the Stamp Act brought things to a head, for in the latter was the assertion of the right to impose internal as well as external taxes. Organizations of Sons of Liberty sprang up; stamp officers were threatened and maltreated by mobs; the people refused to use the obnoxious stamps or to allow of their sale; clearances with stamps on them were publicly burned at noisy gatherings and the laws everywhere obstructed. Upon the arrival of the decree as to the Stamp Act, a serious riot occurred, March 9, 1764, in Boston. August 26, 1765, the fine mansion of Lieut. Governor Hutchinson upon Garden Street was sacked and ruined; the house of Benjamin Hallowell, the comptroller, was gutted of its contents; the lives of the revenue and stamp officers were put in the greatest peril; non-importation agreements were numerously signed, in some cases by compulsion, and the whole town of Boston was in a state of virtual revolution.

To keep the sequence of events, it is well to note that on March 17, 1765, Edward Winslow, Senior, was appointed by Temple, Surveyor General, to be Deputy Collector at the port of Boston, to reside in Plymouth; July 22, 1766, Byfield Lyde, Deputy Collector, by Charles Paxton, Surveyor and Searcher of all rates, duties, impositions at Boston; June 17, 1768, Robert Hallowell, Deputy Comptroller; that on October 28, 1766, Joseph Harrison was appointed royal collector in Boston, and he opened the first royal custom house in Boston

equipped with a full staff of officers, in a building used by Bartholomew Green as a dwelling house, at the southeast corner of King (State) and Exchange Streets, where it remained until the port was closed in 1774; and that, September 14, 1767, the British Parliament passed an act reorganizing the Provincial custom house system and establishing a Board of Commissioners of Customs for America, to sit at Boston, composed of well-known opponents of popular views and presided over by Charles Paxton — the collector's force being subordinate to this Board.

Henceforth the British authority was asserted in the most offensive form. Burke in his address upon the *State of the Nation* says, "Men of war, now for the first time armed with regular commissions of custom house officers, infested the coasts and gave to the collection of revenue the air of hostile contributions." No less than twelve British ships of war, with two hundred and sixty guns, assembled in the Boston harbor to enforce the Stamp Act and other revenue laws; the people were threatened with severe punishment for trivial infractions of such laws; and thoughtful men everywhere began to consider the possible results of the high tension existing.

The revenue officers, already unpopular enough, increased the feeling of hatred and opposition by acts unnecessarily arbitrary and savoring of corruption. Even in Parliament, Colonel Barré called attention to this state of things, and said that "to his certain knowledge some were promoted to high office (in America) who were glad to fly to a foreign country to escape being brought to the bar of justice in their own." How far this was a correct statement of fact cannot now be ascertained; but whether true or false, it was the belief here and in England too, and all tended to increase the bitterness. The Stamp Act forbade the clearances of vessels without the royal stamps, and no vessels lacking them could pass the Castle; but before the act went into effect all vessels' papers that could possibly be obtained were secured in advance and, on the plea that stamps could not be procured, the customs officers were compelled by force in some instances to issue passes.

Early in June, 1768, John Hancock's sloop, well named the *Liberty*, arrived from Madeira with a cargo of wine, and pro-

ceeded to unload at Hancock's wharf without customs permit; and the captain even went so far as to lock up the protesting customs officers in the cabin. A few pipes of wine were entered at the custom house as the whole cargo; but this very palpable evasion of the law did not suffice, and the Collector, Joseph Harrison, and Comptroller Hallowell seized the vessel. A mob quickly gathered; and the authorities, fearing violence, towed the sloop for protection under the guns of the frigate *Romney*. A riot followed, during which Collector Harrison and his son Richard A. and the Comptroller were badly beaten, a large custom house boat belonging to the collector dragged to Boston Common and burned, and the houses of many of the custom house officials stoned and badly wrecked. The custom house officials, fearing for their personal safety, fled to Castle William, and prolonged negotiations with Governor Bernard followed, but the matter was finally adjusted, and the fugitive officials returned and occupied a customs office at Concert Hall near Hanover Street, with British sentinels posted at the door.

General Gage, Commander-in-Chief of the British forces in America, immediately ordered British troops to Boston. Then followed the tea acts, imposing a duty on all teas imported into the Province, and the acts providing for the appointment of officers and judges by the king and for the payment of their salaries from England; and, almost coincident with them, and increasing the already high tension between the royal customs officers and the people, came, in September, 1769, the dastardly attack upon James Otis in the British Coffee House on King Street, by John Robinson, a Commissioner of Customs, aided by British officers.

This outrage upon Otis grew out of strictures he had published upon the customs officers, and resulted in practically ruining his health and incapacitating him for future usefulness. The vast popularity of Otis rendered this attack a singularly ill-timed one for the royal officers, and incensed Otis' numerous friends so deeply that violence was threatened and the authorities with much difficulty avoided a serious outbreak. Otis recovered judgment later in heavy damages against Robinson, but refused to accept them upon the latter's making full apology.

Revolution was now clearly threatening, and the widening chasm became painfully apparent even to those who hoped that the contending parties might yet be harmonized.

March 5, 1770, occurred the so-called Boston Massacre, when the British troops in State Street fired upon and killed a number of the people. This took place in front of the custom house; and while it did not arise directly from revenue troubles, it was another proof of the bitter feeling towards the customs authorities and towards the military as their supporters. To the credit of the Province, the commander of the troops and most of the soldiers were acquitted of murder in a trial in the criminal courts.

When the tea cargoes arrived in November, 1773, the owners did not dare, or were not permitted, to pay the duties; a clearance for the vessels to return with cargoes untouched was demanded of the collector, Richard A. Harrison, who had succeeded Joseph his father, but was refused. Governor Hutchinson also refused a permit to pass the Castle, and thereupon the tea riot of December 16, 1773, followed, when the tea was emptied into the harbor by an uprising of the people.

So bold a defiance of the law could not be allowed to pass; and General Gage, who had been appointed Governor of Massachusetts, landed at Boston in May, 1774, and took steps to enforce the royal authority. He was cordially received, as far as external demonstration was concerned, and took up his official residence in the Province House.

The news of the destruction of the tea and of the rebellious temper of the people of Boston caused great excitement in England, and was followed by the passage of an act in Parliament closing the port of Boston and ordering the removal of the custom house to Salem.

In accordance with this order, June 1, 1774, the port of Boston was formally closed; and we find from the records at Salem that offices were procured and that the Commissioners removed there. The following letter from the Commissioners of Customs at Boston to the Customs authorities of Salem appears of record:

GENTLEMEN:

Having directed our Secretary to proceed to Salem to prepare proper office for the reception and accommodation of this Board

and their offices, we direct you to give him every assistance in your power therein.

We are Your loving friends,

CHARLES PAXTON.
WILLIAM BURCH.
HEN. HULTON.

CUSTOM HO., BOSTON, 20 May, 1774.

Under the same date, however, appears the following notice in the *Boston Evening-Post* of May 23, 1774:

The Commissioners of His Majesty's Customs hereby give notice, that from and after the first day of June, 1774, the officers of the Customs for this Port and Harbour will be removed from the Town of Boston to the Town of Plymouth, within the limits of the Port of Boston; then and there to proceed to carry on in the usual manner the Business of their respective Departments, in the Collection and Management of His Majesty's Customs and the Execution of the Laws of Trade; and no officer of the Customs will be permitted to remain in the Town or Harbour of Boston from and after the first day of June next, during the continuance of the said Act.

By Order of the Commissioners,

SAMUEL MATHER,
Pro Secretary.

CUSTOM HOUSE, BOSTON, May 20, 1774.

In the same paper of June 6, 1774, it is stated that "All business at the Custom House was finished last Wednesday [June 1] at 12 o'clock, and the officers of the customs the same afternoon went for Plymouth, where the office will again be opened." And again: "No Custom House, Boston, June 4, 1774."

The *Gazette* of June 6, 1774, says: "The harbor is shut against all vessels bound hither, and on the 15th none will be allowed to depart hence."

In the issue of June 13, the *Post* says: "The Commissioners of the Customs hold their Board in the Town of Salem."

The following letter throws some light upon the precise action taken:

EDWARD WINSLOW, SR., TO WARD CHIPMAN.

HALIFAX, 26th Septr. 1783.

When the Port of Boston was shut up, the Collector, Comptroller and other officers of the Customs at Boston were directed

by the Commissioner to remove to Plymouth with their books, papers, &c., and to open their office at Plymouth, &c., and my office as Coll'r for the Port of Plymouth was to cease until the Port of Boston should be again opened, which was then expected would be the case in a very short time.

On the 3rd day of June 1774, the Custom House books and papers, &c., were removed from Boston to Plymouth, and the Custom House business carried on by Mr. Harrison, Halloway &c. which was heretofore transacted by me, and so continued to do business until the 1st of October, 1775, during which time I provided for them an office, fuel and candles, which with the fees received for the Collector (which I had the promise of being made up to me) amounted to more than three hundred pounds sterling. On the 12th day of September, 1774, Mr. Harrison, the Collector, gave me his note of hand for fifty pounds sterling per ann. for doing his business until the Port of Boston should be again opened. Altho' I do not expect him to pay me until the port of Boston was again opened, yet I think he can have no objections to paying me for transacting his business from the 12th of Sept. 1774 to the 12th of October, 1775, during which time I transacted his business, he being absent, amounting to £54.3.4.

There appears to have been a division of authority, the Commissioners going to Salem and the working force to Plymouth, where, as has heretofore been stated, Edward Winslow, Senior, had been appointed, March 27, 1765, Deputy for Boston to reside at Plymouth and was also acting as Collector of the Port of Plymouth. An examination of the customs records at Plymouth shows the pages for 1774 all cut out, and it is more than probable that this was done by Winslow and that they were destroyed by him or carried away when, as a Tory, he fled from Plymouth to Halifax upon the evacuation of Boston.

In a letter of Winslow's in 1788 [1] he says that when he was deprived of his office in Plymouth, the records were demanded of him, but that he secured the records and they remained in safe custody until the war was over and were then delivered to his successors in office. If this was the fact, they have since disappeared.

It is quite apparent that the division of customs forces was not a success. The people of Salem were deadly hostile,

[1] *New Brunswick Hist. Soc.*, Winslow Papers, 363, 503.

and would neither enter nor clear vessels except upon compulsion, and the merchants and freeholders there protested to Governor Gage that neither Salem's location nor harbor was suitable for a chief port of entry and distribution.

After experimenting a short time at Salem and Plymouth, with small results, the Commissioners returned to Boston the last of September, 1774, although that Port was officially closed; and on October 1, 1774, the working force at Plymouth also returned to Boston. The Salem office seems to have been discontinued in September, for the Commissioners there granted parties in Salem permission to occupy the building, and a letter of October 24, 1774, from Salem stated that early in the month, after the Commissioners had vacated, the customs building in Salem was blown up to prevent the spread of a conflagration.

The last royal collector in Boston was Edward Winslow, Senr. Judge of Probate for Suffolk County, who just before the evacuation of Boston was appointed by General Gage to fill the place of Collector Harrison, who was absent; and Winslow was in control when the British troops departed for Halifax. Soon after the evacuation, General Benjamin Lincoln erected batteries on the islands in the harbor, and drove off the remaining British vessels.

By order of General Gage, of September, 1774, the Massachusetts General Court was convened at Salem, October 5; he subsequently revoked the order and discharged all representatives from attendance, but a majority assembled at the time and place fixed in the original order, and, in the absence of the Governor, resolved themselves into the Provincial Congress of Massachusetts, with John Hancock as President and Benjamin Lincoln, Secretary, assuming authority over the collection of revenue in any form so far as the situation then permitted, and James Russell, Impost Officer, was ordered to pay over to Henry Gardner, the Provincial Receiver General, all impost money in his hands. In June, 1776, the Provincial Congress made formal entry upon their records of the reopening of the port.

The tradition that the pre-revolutionary customs records were carried to Halifax upon the evacuation of Boston is probably an error, as it is not known what became of them.[1]

[1] 2 *Proceedings*, XII. 192; XLIII. 423.

The war following practically destroyed foreign commerce for a time, and if any customs authorities existed between 1776 and 1781, their occupation must have been nominal.

In 1781 the Massachusetts Provincial legislature passed an Act creating a Naval Office, and in 1783 and 1784 fixed the fees and duties. Feb. 6, 1782, Samuel Henshaw was appointed Collector, and on June 28, 1787, James Lovell. From 1786 to 1788, Thomas Melville, one of the Tea Party of 1773, was Naval Officer, but all the officers were under the direction of the Comptroller-General, Leonard Jarvis, until the appointment of collector under the Federal Constitution.

From 1783 to 1789 customs duties were collected by the State authorities, but no records appear in existence.

August 4, 1789, Benjamin Lincoln was appointed as the first federal Collector, with James Lovell as Naval Officer, and the custom house was established on State Street near Congress Street, opposite the site of the royal custom house.

This rapid and necessarily incomplete glance at revenue legislation and revenue troubles from 1630 to 1775 shows how continuous the struggle was between the royal authorities and the people of the Colony, and its varying phases. In the colonial period it was very acute at times, and the independent spirit of the people was more evident then than in the earlier part of the Provincial period; but through both periods the continual agitation and restlessness over revenue questions in their varying forms steadily led to revolution, and while there were other co-operating causes none were so constant or so connected with scenes of violence and disorder, and none furnished such plain object lessons.

I am not disposed to deny the importance of the religious controversies, the struggles for political rights, or the contests over currency matters or the Land Bank question. Ultimately they might have produced the same results, but those questions dealt less with the concrete than the abstract, and it seems clear that the commercial grievances and disputes more immediately inflamed the passions of the people, touched them in more sensitive spots, created personal hatreds, and led more directly to rebellion and independence.

Mr. FORD read portions of a paper on

Manuscripts on American History in England.

In either the Public Record Office or the Manuscript Room of the British Museum the earnest student may profitably pass years of investigation; and the material seems inexhaustible, receiving constant additions for almost every period of history since the Norman occupation. Recently some thousands of Port Books, registers of entering and departing vessels from the different ports of the Kingdom, and extending to the seventeenth century and beyond, were gathered into the Record Office, and will, in due time, become available for study. Not only is the mass of the material in these depositaries great, but the quality is high; and when the line of 1774 is crossed, age begins to produce its effect. "Time out of mind" is a true description. The University of Oxford has never removed since 1264, or about six hundred and fifty years ago. For that period of time the archives have accumulated, and well may the present keeper mourn the "fatal inability of keepers to destroy things when they are done with and to refuse to accept papers which do not concern them." [1] Our earliest collections begin with 1620, and that is an exceptional date. In Great Britain institutions, cities, towns, corporations and even families, afford many examples of records from the fourteenth and fifteenth centuries.

It must be remembered that the great collections are still in private hands. Vast as is the mass of material in the Public Record Office and British Museum, the material outside of those depositaries is much vaster. Hardly a house of historical eminence is without its muniment room, often used for general storage purposes and containing treasures of manuscripts little known, or if known, little considered. Hardly a town or city without its records, more or less neglected, or if cared for, unexamined by the student. Professor Wallace's discoveries of documents illustrating Shakespeare's time and career offer a good example of what follows when an earnest and expert worker is turned loose in undigested material. The accidental, but none the less happy discovery by Mr. Waters of Winthrop's MS. map of Massachusetts in the

[1] See Reginald L. Poole, *A Lecture on the History of the University Archives*, 1913.

British Museum,[1] may serve to show that even in documents long under the best of care (and nothing could be better than that of the Museum) splendid opportunities for discoveries offer. In the British Museum are a number of volumes of the papers of John Wilkes, whose cause appealed strongly to some in New England. In examining them I found letters from Thomas Young, William Palfrey, Joseph Warren and Benjamin Church, and one address sent from Boston to Wilkes signed by James Otis, Samuel Adams, John Hancock, Richard Dana, Joseph Warren, Benjamin Church, Jr., Benjamin Kent, John Adams, Thomas Young, Josiah Quincy, Jr., a combination of signatures so notable that I could not forbear to call the attention of the courteous assistant keeper of the manuscripts to it, and speak of its autographic value.[2] For years important documents thus escape identification, awaiting the coming of one who can explain their importance and prove their value.

The Royal Historical Manuscripts Commission performs a most useful function in making known these collections in private hands. It locates, arranges and calendars this hitherto practically unknown material, and from garrets, cellars, outhouses and libraries it draws the documents which make up its valuable volumes, of which one hundred and sixty have already been printed. Clothed with ample authority, and proving that it exercises that authority with discretion and consideration, these historical collections are being opened to its agents and discoveries have ceased to form the note of the reports. Given any collection, something of historical import must come to light. I may mention that recently in the Bathurst papers were found some twenty volumes of the papers of Miranda, that adventurer whose career is not without interest to us. How they fell into that collection, where they are decidedly eccentrically placed, no one knows. Some chance turned them there, and there they have remained buried for nearly a century.[3]

Such eccentricity of location offers ground for the highest

[1] 2 *Proceedings*, I. 211.

[2] These documents are now being copied.

[3] The secretary of the Commission, Mr. A. E. Stamp, called attention to this discovery, and expressed the wish that the American portion might be made available by some publishing institution in the United States.

hopes of future discoveries, as the storage places yield to the activities of the MSS. Commission. No one has studied sources of the history of any period without becoming aware of gaps in the record, and often gaps of such size as to defy the construction of a story whose parts will hold against criticism. I would mention as of late experience, the financial relations existing between the Plymouth Plantation and the English partners. The material sufficient to tell the story in outline is not now available, and conjecture on what is known would not afford a secure foundation. The instances can be multiplied, and some have peculiar pertinence to the present activity of this Society. Where are hidden the records of the London Company of Virginia? Sir Ferdinando Gorges collected a mass of MS. maps, records, letters and ruttiers, or sailing directions, derived from ship captains and others who had made the voyage to America in the first thirty years of the seventeenth century. The records of the English courts are just beginning to be known, but have already yielded rich returns to the earliest history of the colonization of New England. As illustration may be named the paper in the suit against Rev. John White (*Proceedings*, XLIII. 493), the letter of William Bradford (*American Historical Review*, VIII. 295), the letters of John Bridge and Emanuel Altham (*Proceedings*, XLIV. 180), the brief in Andrewes and Beauchamp against Sherley (*Ib.*, XLV. 611), and finally, the complaint of John Peirce, to whom the first patent for the Leyden congregation was issued (*N. E. Hist. Gen. Reg.*, LXVII. 148).

Is it not probable, something more than possible, that the early letters, plans and journal sent by John Winthrop to his wife and friends in England in the first years of the Massachusetts Bay settlement, slumber somewhere with unrelated material which has concealed their very existence? Was Thomas Dudley the only man to relate in a letter the experience of a year's life in the plantation, and at a time when a letter was an event of some importance, being solemnly entrusted to the care of God, along with ship and bearer? Did not the non-conformist clergymen who found refuge in New England maintain a free correspondence with their fellow sufferers in England, some with a hope that by a change in conditions they might return to their former churches? The

questions multiply without limit, and to each lies a possible answer dependent upon the finding of a dust-covered package of letters the very existence of which has been forgotten for more than two centuries.

A wider and a more certain field for investigation offers in that fruitful field of British diplomatic history — the international relations of the kingdom — now Empire. Of this I had startling proof. For working in the Foreign Office files I was often nonplussed by the absence of links in the chain of evidence, and the omissions were too vital to escape attention. At last I found the explanation. In the despatches from George Canning to Charles Bagot, then the British representative in Washington, I read one in which Canning sharply rebukes Bagot for sending as an official and regularly numbered despatch a detailed account of a conversation held with John Quincy Adams, then Secretary of State. That report, said Canning, should have been sent to me as a private letter; and the despatch was returned to Bagot to be cancelled in the official series, and after rewriting to be sent to Canning personally. There thus existed the rule that certain matters, and often the most interesting, must be treated by diplomatic agents in a form other than official, or intended for the official files. Outside of the Foreign Office exists this mass of private letters, only lacking the form of despatches to be official in their contents. The best history does not lie in the Foreign Office, but in the papers of the various men who have held the office of Foreign Secretary or Prime Minister. The inside history of diplomatic relations between the United States and Great Britain may be surmised, perhaps told in its broad outlines, from the official archives; the tinting and shading needed to complete the picture must be sought elsewhere. In reading the earlier printed papers in English foreign policy, as found in the Cecil and Grenville papers,[1] I was under the impression that the older officials merely kept those despatches, the distinction between public and private papers not being well recognized. The impression rested upon a false explanation. For centuries it has been the practice of the Foreign Office to encourage, nay even to insist upon, this more private correspondence between an envoy abroad and his chief at home.

[1] Printed by the Historical MSS. Commission.

The EDITOR submitted the following petition in the collection of Mr. CHARLES P. GREENOUGH:

PETITION OF CHRISTOPHER LAWSON, 1669.[1]

The Court records of Essex County contain frequent mention of Christopher Lawson. In 1643 he brought suit against John Smart, for cause unknown, and in the same year he was charged by others with extortion. On a third occasion in that year he is fined for stealing money from Edward Thomson, and is in that entry described as of Wenham. In August, 1644, he presented a petition "concerning Thomas Wight of Exeter that testators might appear *viva voce*," and in 1645 he brought suit against Clermont Campion, at Dover, to recover a debt of £8 for two thousand pipe staves. He became later involved in defamation suits and in engagements to deliver lumber or staves.

Christopher Lawson is believed to have been in the service of Thomas Purchase, who settled near the foot of Pejepscot Falls, and is regarded as the "first and only settler for some years above the Sagadahock." So Lawson is described as the "first and pioneer settler on the Kennebec."[2] He purchased land of the Indians in 1640, about a thousand acres, at Whisgeag, or Whisby.[3] In 1662 he served as one of the trustees of Ferdinando Gorges, Lord Proprietor of the Province of Maine.[4] In the year of his petition he fell in disfavor with the authorities of York County, for he was sentenced to sit one hour in the stocks for coming "into this Cort car[ry]ing himself unseveley towards som partickilar members, saying that He or they should not be his Judges, with a Turbulent behaviour towards the said Cort."[5]

To the honored Court of Assistance sitting at boston the 2nd of first mo: 1668–69.

The humble petition of Christopher Lawson prisoner humbly s[h]eweth

That your honors prisoner having maried to wife Elizabeth James about thirty [yea]res since the which elizabeth was then a

[1] In the *Mass. Archives*, IX. 58, 59, will be found two other papers on Lawson's case.

[2] 1 *Collections Maine Historical Society*, III. 317.

[3] *Ib.*, II. 204.

[4] 2 *Ib.*, IV. 247.

[5] *Ib.*, I. 374.

seruant to M Scott of this towne: with whome I lived about the space of ten yeares in the which time shee was a woman very full of discontent: shee declaring it was by reason shee could not goe to england to Uisit her friends: At Length I granted her Liberty to goe for england shee promising to returne with what Convenient speede shee could: And for this I furnisht her with seuenty pound in money besides other necesaries for her comfortable accomodation at sea: but shee the said elizabeth being by the providence of god safely arived in england did there Commence A needles suit at law against her brother very much to my damage: And after that did disowne her selfe to be a married wife & as a seruant waited on a Lady: And I having waited here about ten yeares patiently expecteing the returne of my wife which Came not: I went my selfe to england in the yeare fifty sixe to seeke for her: And by gods goodnes being safely arived at London: and hearing where shee was by some of this place I sent for her by one to Let her know there was one come from her husband and Children: to whome shee replyed shee had no husband: however shee said shee would come and see the gentleman: but when shee came and saw mee there shee flew out as in a greate passion disowning mee to be her husband: Then I sent two antient motherly women to the house of the aforesaid Lady where shee then Liued, and they declaring the case to the said Lady: shee was so courteous as to exhort her to her duty: And compeld her to come to me by order of authority there: Then she liued with mee about the space of two months: And at a season while I was abroad in the City about my buisnes shee went away from my then Lodging carrying away all that I had there and tooke up her abode in a by place in Southwarke among uery suspitious and ill respected people: and at the same time tooke up vpon my Credit from one merchant the sum of three hundred seuenty pound whereupon after diligent enquiry I found out her lodging and having compounded with the foresaid merchant: hired her then againe to live with mee & to come with mee to newengland: but in our uoyage hither the ship stopt at plymouth and the ship being anchored: Captn Rea then Commander of the Iland there with seuerall other gentlemen came aboard to uisit mee and others: I then taking out a bottle of wine to accommodate them shee violently laid hands on mee and scratcht mee by the face uery much to my discredit before those gentlemen: shee likewise Chalenging mee to trye who was master: upon which I threw her downe on the deck: Captn rea then saying that if I would giue Leaue he would haue her ashore and cause her to be as well duckt as euer was any in plymouth moreover at sea shee told the seamen that the ship should not come to newengland but arive at some other

porte: and that the ship should be afire: so accordingly the ship was forced to the barbados and was on fire at sea: to our greate afrightment and damage: upon which the seamen and passengers called a Councel amoung themselues and would haue throwne her over boarde had I not used much entreaties with them and likewise gave them a case of english spirits to save her Life: but after a tedious and troublesome passage through gods goodnes wee ariving here at boston: shee made it her buisnes to conuey and hide away what shee could of my goods And endeauored to trouble mee with seueral warrants shee had then procured from some of the magistrates here: And having a meeting at Captn Lake his house[1] about the forts where was Captn Lake Captn Allin Captn breeden[2] and Mr. Sherman minister:[3] shee then came in with a warrant & uery much abused mee with unbecoming words reviling mee exceedingly: And hauing gotten what shee could from mee: shee then absented her selfe againe from mee: Though then I lived in this towne: so that I and my seruants were Left alone shee taking up her abode in some other house at that time: A while after I and my seruants went to Kenibeck where I was forced to Live alone without the comfortable society of a wife though I had used my utmost endeauors to procure it: Then after the space of two yeares: I came hither againe and with uery much trouble both to my selfe and to Captn Clarke and Captn Lake I at last hired her to goe & liue with mee againe so wee Lived together peaceably about the space of ten or twelue weekes & then shee absented her selfe againe and dwelt to and fro at other houses in this towne Contrary to my desire and without my Leaue: Then my occasions Called me to Liue at Piscataqua where I and my seruants went then A while after I prevailed with her to Come and Liue there with mee where wee Continued about three quarters of a yeare in which time wee with Joynt consent intended to goe Liue at Kenibeck so I went before to provide a Comfortable accomodation for her and the rest of our familie I promising to send a barque to bring her and my goods and familie: Whereupon I hired Mr. Abraham Josling and his barque for which I paid eighteene pound in good pay: but when the said Mr Josling ariued at Piscataqua he found her not: for shee had in the meane time shipt abroad Mr. Elias Parkman my seruant henry Cowly which was appointed as A master by mee: with all my houshold goods as pewter brasse bedding and all other necesa-

[1] Captain Thomas Lake died in 1697, possessed of a lot sixty feet square near the Charlestown ferry.

[2] John Allen and Thomas Breeden. The three men had been associated in the La Tour affair. 3 *Mass. Hist. Collections*, VII. 120.

[3] Rev. John Sherman, of Sudbury.

ries and all my wearing Cloathes and working tooles and prouisions and trading goods: as shooes stockings woolen linen nailes powder shot moose and beuer and bils and bonds and bookes of accounts so that I was left bare and destitute and in so much distracktion that I was not fit to serue god or man: only one of my seruants namely John Selleck Came from thence to mee at kenibeck and informed mee I was Cheated and undone by my wife for shee had carried all away to boston: now in this condition I have Liued almost this eight yeeare having made use of all my friends as Captn Clarke Captn Lake mr Collicot and seueral others for to [see] if they could prevaile with my wife to come and liue with mee I also writ to some of the mag[istrate]s and elders but their answere was they pity mee and pray for mee but no hopes of p[re]vailing with my [wife] to c[o]me to mee for they seldome met with a woman of her temper.

now after almost eight yeares time I having a little recoverd my spirits from this state of distraction before mentioned: I came againe to boston in december Last and Landing here on a Lords day in the morning I had recourse to my owne house[1] being both wet and cold and there found as cold entertainment for when I knockt at the doore my wife opened the doore but seeing mee shut it againe with Uiolence and opening a window shee reuiled mee Calling mee rogue and whoremaster and murtherer telling mee I had the french poxe and were come to serue her as the Cardmaker did his wife and I Came to murther her in her owne house: I gave her Civil Language desiring I might have some Cloathes to shift mee but shee had mee goe like a rogue as I was: but many people being by Cryed out shame on it: and Atleast four dayes after many neighbours Coming to goodman buttons[2] house: they told him they thought the woman was dead or had made away her selfe for they had not seene her or obserued any fire to have been in the house for those four dayes: there being also some pigs which they thought would be starued some of those neighbours having also knockt at the doore Could get no speech of her: of which some of the said neighbours meeting mee did informe mee: so I went with some of

[1] Lawson took a grant from Thomas Buttolph of a parcel of land in the Mill field [near Mill or Copp's Hill], containing four and a half acres, bounded by the Bay on the north east, the properties of Nicholas Parker and Valentine Hill on the north west, and that of Christopher Stanley on the south. This he held in 1645, as shown by the *Book of Possessions*. He received liberty to build a wharf in 1645. In 1648 he conveyed his dwelling house near the ferry, about three-fourths of an acre of land and one-half the wharf to Thomas Ruck, having built a new house on another part of his land; but this house he sold in the same year to Thomas Lake, and may have built a third, or held the occupancy of one of the two known houses.

[2] John Butten, proprietor of the windmill on Mill Hill.

the neighbours and knocking at the doore could get no speech of her: so I lifted one doore off the hinges and come to another doore which was also lockt: And then shee spake saying doe you Come to murther mee in my house and have you a Constable then shee opened the doore: and used many reviling words Calling us theeves and robbers: and then shee went to the honored governour and procured a warrant so coming downe with the marshal wee were both required to repaire to the governours house where were present two more of the honored magistrates namely maior general Leueret and mr Edward Ting before whome shee impleaded mee accusing mee of murther fornication and theft for which shee pleaded to have mee put to death but the honored magistrates putting her upon the proofe shee Could proove nothing: Then they were pleased to take much paines in perswading her to Liue peaceably with her husband: but shee replyed shee would rather bee put to death for shee was never lawfully married and I was none of her husband then they told her they would send her to prison: but shee replyed shee cared not for them nor their prison neither: but shee would haue them before the King and be tryed by the Kings lawes: for he hath broken open my house and stole my goods and yee will not doe mee Justice: Whereupon the magistrates replyed that it was my house and the goods that was in it: And forthwith sent the marshal to give mee possession: which he did: And they commanded her to Live peaceably with mee: and the marshal ha[uin]g giuen mee possession brought her to mee: but shee forthwith fled away and tooke up her ab[ode] elswhere: where shee continues to this day for aught I know: but soon after shee obtained an attachment for my g[o]ods or for want thereof my body: The marshal not finding my body did attach my house and left the summons in the key hole: her acktion being entred the Court Judging it unlawful for [*torn*] her [hus]band the acktion fell: both of us being commanded to attend the Court: and after evidence produced and plead on both sides it [*torn*] Court [*torn*] to this honored Court as appeared in their order dated the 28th of January last past wherein I conceive are many unheard of particulars required and enioyned which I am no wayes bound to: either by the law of god or the kings or the lawes of this Jurisdiction: yet execution granted & executed to Imprisonment (and that not to tryal) but there to remaine till your petitioner performe the said order Your humble petitioner doth therefore humbly beg and intreate your honours most seriously to weigh and consider the premises that we euidenced to in Court and what further I shal produce although I conceiue I may without over running my bounds allude to what the queene of Sheba said of Solomon although in a farre

different Case: namely that the one halfe hath not beene told you And also since it fully appeares that shee is so many wayes unnatural to her owne flesh: which I forbeare againe to mention to your honours with her present protestations and resolutions not to give me any satisfaction for her so unheard of practices nor any hope in the Least of any reconciliation to mee in future: but with undaunted resolution seemes to resolue without gainsaying to doe her utmost to blemish my name ruine my estate & to continue in nott yeilding that due beneuolence according to the institution and ordinance of god and her owne solemne Couenant in all respeckts of honour & duty of which your honours having through grace received such a plentifull measure of the spirit of Christ to discerne all things euen the deepe things of god which should I presume to name apart of that which in this case may be produced I should but Light a candle at noone day and so darken which I forbeare but most humble beg and beseech your honours in your high wisdome to seeke out: And find a way how wee may Liue together according to the holy ordinance of god: which seemes to us both to be impossible: past present and future Circumstances considered: or that wee may be divorced that so wee may be no further burdensome to each other, or to this or any other of his maiesties honorable Courts: which if you doe and the Lord direckt you so: I shal be farther engaged to pray according to duty for your honours tranquility in this world and in the world to come Life everlasting Your honours seruant and poore prisoner who desires to be humbled

CH: LAWSON.

ENDORSED: Christopher Lausons Petition to the Court of Assistants at Boston, 2.1.1668/9.[1]

CAMP, SARATOGA, 4th Novr, 1781.

JEREMIAH FOGG TO WILLIAM PARKER.[2]

DEAR SIR, — You must before this time have heard of our sudden and unexpected departure from Peekskill and arrival at this place in consequence of some ill founded reports of the enemy's being below Lake George. This Hemisphere is now enlightened by the benign rays of the Lord of Basking-Ridge and his Satellites who contrary to astronomical Principles has eclipsed our northern regent or rather crowded him from his Orbit; however, altho the eclipse is total its duration will be short and the first fair day this intruding Planet will disappear.

The enemy's advance has been slow, perplexing and singular, indicating, on the whole, an attack of some consequence. they

[1] See *Mass. Col. Rec.*, IV. ii, 426. [2] See p. 427, *supra*.

now appear to be erecting Barracks at Ty and establishing a Post there to the great mortification of our line as it will detain us in this desolate Country the whole Winter. The great distance of the Enemy from us and their advantage of Water carriage have occasioned very hard [duty] in Scouting, and an unusual flux and reflux of the Militia — you know they increase and decrease like the moon which affords us the most light in fair weather. they are now all dismissed and our force consists of 3 Contl and two State Regts. I yesterday returned from a Scout of 20 Miles N. West to the bend of Hudsons river and on my return was charmed with the discharge of 14 Canon in consequence of official intelligence that Cornwallis with Nine thousand five hundred Men surrendered to the Allied Army on the 19 Ulto. A Series of fortunate events has attended our Arms this Campaign. I need not particularize as you must long before this reaches you hear of Genl Greens most important battle and success with that of Colo Willet on the Mohawk. We Strut like Turkey cocks in all their vernal Pride, notwithstanding we are naked and Moneyless destitute of Women and Wine. It appears that Previous to Cornwallis's Surrender the two light Corps of our Armies stormed two important redoubts of the enemy (with little loss) which commanded their main Works and in which one hundred Canon and Mortars were placed immediately, the music of which soon lulled the Gentlemen to sleep. You know the indignity with which G. Lincoln was treated by Cornwallis. His Excellency retorted with a certain neglect to which his good sense and politeness gave the keenest [ed]ge. A single distant bow, as his Lordship marched out, was the sole compliment, after which, he and his were committed to the care of Genl Lincoln. But in the midst of the most pleasing event when every patriotic heart distends with Joy the cruel hand of fate must lop off one of the principle branches of the tree of liberty. The lovely Scammell is fallen. And if ought in good Sense, learning virtue, Politeness Ambition and universal benevolence can excite our love; if the loss of a sincere friend who for seven years has sacrificed his personal ease and interest to the publick, can come regret, the Scholar, Patriot and Gentleman and Israelite must join to shed a tear and imitate his virtues. Providence seems not more unaccountable in any part of its dispensation than in the choice of victims. Perhaps tis an act of Mercy lest some future deviation should disqualify them for the rewards to which their virtues have entitled them. A Poor and a Scammell, flowers of an Army must be blasted while —— & —— ripen for contempt. Character fortune and life are as uncertain as a game at dice, and he is the happiest who has the least Sensibility or the most Philosophy to check the

passions in Scenes of Adversity. No man feels more sensibly from the smiles and frowns of fortune than myself but to reflect *long* on events whatever may have been their cause or to anticipate uncertainties is not my property.

My absence on the last Scout prevented my going to Ty with a flag which was no small mortification to me notwithstanding I must have borrowed Money and cloaths to have qualified me for the embassy. If those two requisites for the appearance and recommendation of a gentleman and officer are to be obtained I will never commence another Campaign without a full supply. This unexpected Tour northward has so disconcerted me that I know not what to do. Our Winter quarters are not yet appointed, but if the Assignation is on this side the world of Spirits I shall visit N. Hamp.

Since I began this a Scout has returned informing that the main body of the enemy have disappeared at Ty landing only a small Guard, so that I know not what to think of our destination, but Genl Stark's determination is to keep the two Regts till Spring.

We live in daily expectation of some of the french Livres gone forward to Congress if they do not arrive shortly we shall think they have adopted the Mode of a certain body of Men who pocket the town Taxes til the rising of the house with a view to serve themselves.

A Feu de Joie of Small Arms and a Gill of rum amongst the men have caused so much Noise in Camp this Morning that I must wind up and subscribe

JERE FOGG.

BROOKS' ASSAULT UPON SUMNER.

The three letters which follow are taken from the annual report of the American Historical Association for 1911, being a part of the Toombs-Stephens-Cobb correspondence, compiled and edited by Prof. Ulrich B. Phillips, of the University of Michigan, and to be published by the American Historical Association.

JUNIUS HILLYER[1] TO HOWELL COBB.

MONROE [GA.], May 28th, '56.

DEAR HOWELL, . . . Brooks and Sumner have had some sport in the Senate. I don't see what your house has to do with

[1] 1807–1886, who had been in the House of Representatives 1851–1855. In 1857 he became Solicitor of the Treasury Department, but resigned when Georgia passed the ordinance of secession.

it. When you see Mr. Brooks give my respects to him and offer him my sympathy and most sincere regard.

Of course the action of your committee and of your house will fizzle out.

Nothing new here in politics; we are getting up our July convention and preparing to make a rally for some body we don't know nor care who.

Are you seeking the Vice Presidency? You might make capital in the Senate; but you will do better in the cabinet.

Robert Toombs to George W. Crawford.

Washington, D. C., May 30, 1856.

. . . The Yankees seem greatly excited about Sumner's flogging. They are afraid the practice may become general and many of [their] heads already feel sore. Sumner takes a beating badly. He is said to be ill tho' I don't believe it. Kansas seems to surrender at discretion, and no more can now be made out of the "border ruffians." They have taken away all of the Sharp's rifles from the friends of liberty, who are whining like whipped curs.

Gazaway B. Lamar to Howell Cobb.[1]

New York, May 31, 1856.

My Dear Sir, — You are in the midst of exciting scenes and words provoking and sometimes insulting perhaps to Southern blood and so prone to them as perhaps to mislead your usual good judgment.

I arrived here this morning from Savannah and saw you are on the committee of the House to investigate the matter of the assault of Mr. Brooks upon Senator Sumner, and I presume to suggest to you my views as to the course you ought to pursue, independently and honestly, let the consequences, temporarily or permanently, be as they may.

Viewed dispassionately in every light, the assault was unjustifiable, unmanly, illtimed, illadvised, injudicious to the cause of the South, and totally indefensible as to time, place and manner; and it is my deliberate opinion that to attempt to sustain it by the South or any portion of it will prove disastrous in the extreme, — for the public opinion can never be brought to approve of it. Senators had accused him of *fanaticism* and had in various ways insulted him as

[1] A Georgian, born 1798, died 1874, who removed to New York in 1845. During the war he acted as financial agent of the Confederacy in that city.

much or more than he did Senator Butler in his speech as I have seen it reported. He was therefore (give the Devil his due) justifiable under the *lex talionis* for his language and his sarcasm and ridicule.

Then, for a gentleman and a man of honor to assault another with a stick, giving him no opportunity of defence was cowardly and unmanly and cannot be justified. Then, doing it in the Senate Chamber and for words spoken in debate in which he has the Egis of the Constitution to shield him. Then, unfortunately and worst of all for the South or the Democracy to sustain it is abominable and will draw down tenfold force upon them with all right-minded men. *Now Sir* is the *crisis* for *you*. "*Fiat justitia ruat coelum.*" Take the Bull by the horns and shake him lifeless. If Mr. Brooks cannot justify himself, *expel him;* and at any rate even with the best case he can make, if any be possible, he has so outraged decency, propriety and manliness let him not escape severe punishment, that the constitutional right of speech be properly vindicated, that at least one Southern man in high place can be honest and independent and do right even to an Abolitionist. Be fearless and *lead* the public mind the right way, the best for the South, the best for the East the West and the North and the best for you. If fanaticism strike at you and there is plenty of it at the South to do it, meet it and crush it by manly honest upright argument and you'll soon ride upon the storm.

You can do it without truckling to the North and without offence to any but the most infatuated prejudices of the South. If Mr. Brooks dare assail you as opposing him and threaten, let him be defied. Shield yourself under your official position on the Committee and let the world know that you dare to act honestly and independently even with Southern prejudices against you. They will soon evaporate and you will stand as a pillar unshaken by the storm and admired by them as well as the whole country.

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